FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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Page 53 ~ b6; b7C; b7E;
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Page 247 ~ b5; b6; b7C;
Page 252 ~ b6; b7C; b7E;
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FD-36 (Rev. 5-22-78)

10.4

FBI

TELETYPE ROUTINE UNCLAS

5/1/86

P3

ROUTINE
NEW YORK (192B-NEW) (P) (JTF-1)
ROUTINE
DIRECTOR FBI () ()
ATTN: CID-PERSONAL CRIMES UNIT
ALL FIELD () () OFFICES VIA FBI HQ
BT
UNCLAS

UNSUB; AKA, CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECIEVED FROM SATELLITE GALAXY 1, APRIL 27, 1986; HOME BOX OFFICE INCORPORATED AKA HBO-VICTIM; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEMS; OO: NEW YORK

REBUREAUTELCAL TO NEW YORK, DATED APRIL 30, 1986, BUREAU FACSIMILE TO NEW YORK, DATED APRIL 30, 1986.

FOR INFORMATION OF RECEIVING OFFICES ON EARLY SUNDAY MORNING,

[redacted] b6 b7C

1, 2, 3

1 - New York
1 - Supervisor JTF-1
[redacted]

Correction

192B-360-1

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
MAY 8 2 1986

Approved: [redacted] Transmitted _____ Per [redacted]

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT TO THE PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: [redacted]

APRIL 27, 1986, AT APPROXIMATELY 12:30 A.M., CAPTIONED UNSUB SENT AN OVERRIDING SIGNAL TO THE HBO EASTERN FEED TRANSPONDER ON THE GALAXY 1 SATELLITE. THE MESSAGE INTERRUPTED THE HBO MOVIE "THE FALCON AND THE SNOWMAN". THE MESSAGE READ AS FOLLOWS "GOOD EVENING HBO FROM CAPTAIN MIDNIGHT $12.59-MONTH NO WAY! SHOWTIME-THE MOVIE CHANNEL BEWARE".

THE GALAXY 1 SATELLITE IS LOCATED IN A STATIONARY ORBIT AT 22,320 MILES ABOVE THE EQUATOR. IT IS LOCATED LONGTITUDE 131 WEST AND IT IS APPROXIMATELY SOUTHEAST OF THE HAWAIIAN ISLANDS. THE GALAXY 1 SATELLITE IS OWNED BY HUGHES COMMUNICATION WHICH IS LOCATED IN EL SECUNDO, CALIFORNIA. THE HBO SIGNAL WHICH WAS INTERRUPTED WAS BEAMED TO THE GALAXY 1 FROM THE HBO TRANSMITTING FACILITY AT 300 NEW HIGHWAY, HAUPPAUGE LONG ISLAND, NEW YORK.

BEAMED

THE BUREAU HAS ASSIGNED NYO AS OFFICE OF ORIGIN IN THIS MATTER. LOGICAL VENUE FOR PROSECUTION OF THIS MATTER WILL BE IN THE DISTRICT FROM WHICH UNSUB CAPTAIN MIDNIGHT SENT HIS SIGNAL. ONCE THIS IS DETERMINED, OFFICE OF ORIGIN WILL TRANSFERED TO THE DIVISION WHICH WILL BE RESPONSIBLE FOR THE PROSECUTION.

THE BUREAU HAS ADVISED NEW YORK THAT THERE ARE NO KNOWN PRIOR INSTANCES WHEREIN SATELITE COMMUNICATIONS WERE INTENTIONALLY INTERRUPTED. IT IS BELIEVED THAT A SUCCESSFUL PROSECUTION COULD BE BROUGHT UNDER SEVEAL STATUTES INCLUDING VIOLATION OF TITLE 18 SECTION 1362, INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM AND SECTION 1951-HOBBS ACT INTERFERENCE WITH INTERSTATE COMMERCE BY EXTORTION.

NEW YORK HAS CONDUCTED INTERVIEWS AT THE OFFICES OF HOME BOX INC., WHICH OPERATES BOTH HBO AND CINEMAX AND THE OFFICES OF VIACOM NETWORK GROUPS, WHICH OPERATES THE MOVIE CHANNEL AND SHOWTIME AS WELL AS MTV, VH-1 AND NICOLODEAN.

VIACOM ALSO USES TRANSPONDERS ON THE GALAXY 1 SATELLITE. VIACOM TRANSMITS FROM 35 ADAMS AVENUE, SMITHTOWN, LONG ISLAND, NEW YORK. IT WAS THE OPINION OF BOTH HOME BOX OFFICE AND VIACOM THAT CAPTAIN MIDNIGHT HAD TO HAVE OPERATED FROM A FEDERAL COMMUNICATION COMMISSION LICENSED TRANSMISSION FACILITY. THE FACILITY COULD HAVE BEEN EITHER STATIONARY OR MOBILE. A TRANSMITTING STALLITE DISH WOULD HAVE TO BEEN A MINIMUM OF 5 AND ONE HALF METERS IN DIAMETER.

LEADS HAVE BEEN DEVELOPED FROM THE INTERVIEWS AT HBO AND VIACOM. THESE LEADS WILL BE SET OUT IN A SEPARATE COMMUNICATION TO THE EFFECTED DIVISIONS.

INVESTIGATION CONTINUING.

FD-340a (Rev. 10-3-77)

(Title) Captain Midnight

(File No.) 192B-260

Item	Date Filed	To be returned Yes	To be returned No	Disposition
1A1	7/2/86		X	10 4x5 color photos of the messages
1A2	7/2/86		X	Original notes re interviews
				b6 b7C
1A3	7/2/86		X	1. Photocopy of invoice #7590 beginning account [redacted]
				2 Photocopy of photocopy [redacted]
1A4	7/2/86		X	1 Photocopy of manifesto
				2. Transmittal envelope from [redacted]
				3 Copy of photocopy of manifesto
1A5	7/21/86		X	5/5/86 interview notes and charts of [redacted] and
				b6 b7C
				FD-497 and FD-302 (See Serial 35) [redacted]
1A6	7/21/86		X	Copy of letter from Captain Midnite
1A7	7/21/86		X	Return receipt card (See 1B2 & 3) [redacted]
1A8	7/24/86		X	Duplicate tape of call between Captain Midnight and [redacted]

Do Not Enter Any More Exhibits

192B-260 1A4

SEARCHED ... INDEXED

SERIALIZED [redacted]

JUL 1986

FBI - NEW YORK

[redacted]

See 1A Supplement

FD-340 (Rev. 4-2-85)

Field File No. _____

Serial # of Originating Document _____

OO and File No. 192B-260-1A1

Date Received 5-16-86

From FBI
(Name of Contributor)

(Address of Contributor)

By _____
(Name of Special Agent)

b6
b7C

To Be Returned ☐ Yes ☐ No **Receipt Given** ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title:

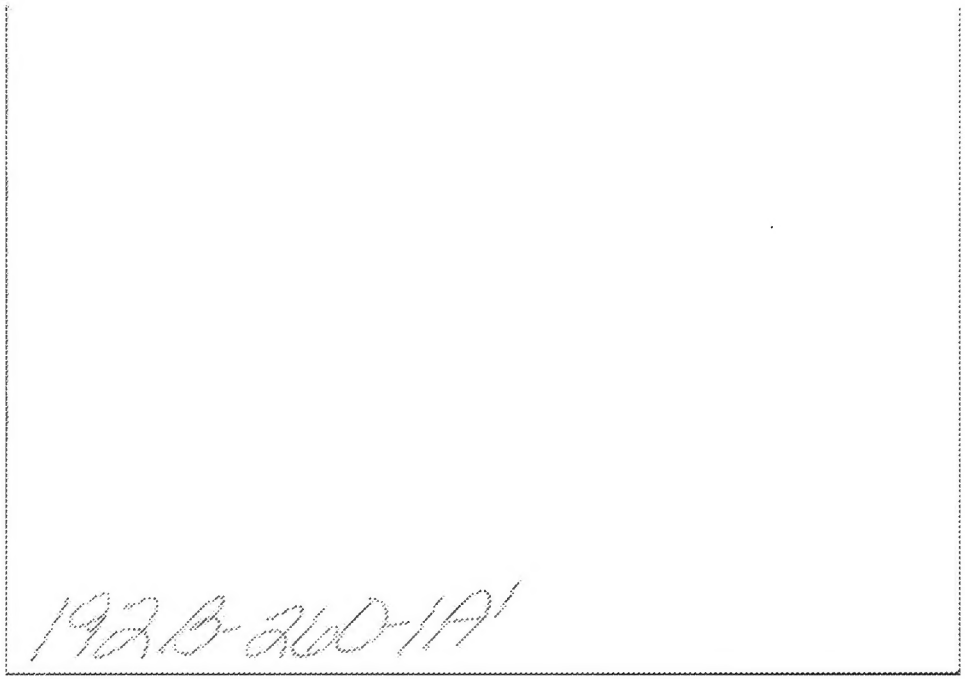
Reference: _____
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

10 4x5 Color Photos of the Captain Midnight Message

AUTOMATED RECORD

GOODEVENING HBO
FROM GRPTRAN MIDNIGHT
$12.95/MONTH ?
NO MPV ?


1926-200-19

Cover

7

b6
b7C

13235522174505221741889 SCD

UPLOADED

*too light w/ paperclip procedure pg 12-15

(4b) too dark pg 108, 119

NOT too dark pg 109

R 136-218

Stamp N

(4a) too light

(4b) too dark 108, 119

*not too dark 109,

Issue: Briefly describe the issue. Correction(s): Supervisor/Lead instructions for correcting the issue.	Employee Initial & date Supervisor/Lead Initial & date Issue boarded? ☐
Issue: Briefly describe the issue. Correction(s): Supervisor/Lead instructions for correcting the issue.	Employee Initial & date Supervisor/Lead Initial & date Issue boarded? ☐

FD-340b (Rev. 12-6-83)

Field File No. 192B-74

00 and File No. NY 192B-260-1A2

Date Received 5-23-86

From _____
(NAME OF CONTRIBUTOR)

_____
(ADDRESS OF CONTRIBUTOR)

_____

By _____ b6 b7C
(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes ☑ No

Receipt Given ☐ Yes ☑ No

☑ Yes

☐ No

Grand Jury Material-Disseminate Only Pursuant to Rules 6(e), Federal Rules of Criminal Procedure

Description: ☑ Original notes re interview of _____ b6 b7C

AUTOMATED RECORD

b6
b7C

[redacted]

[redacted] 5'11" 200 pounds, 42 yrs
strawberry blond hair wears glasses, blue eyes
[redacted]
no arrests

[redacted]

b6
b7C

Knows [redacted] for last 3 yrs.
Installed cable cable cable together
@ hotels in N.O.
[redacted] at time employed w/ [redacted]
Worked Inn's pain relief in N.O.
Used magic Chefs by hotels
throughout U.S.

[redacted]

Used [redacted] as contractor in installing the cables.

Last saw [redacted] abt 6 mos. ago
Loaned him @ a sat. phone
receiver for a hospital job. Since
it had gone on the blight. Dropped
it off to him in Pascagoula.

Portable up-link antenna for incident

Columbia Savings
Century Rd Paramus NJ
Mortgage Dept 14 years Rel

I am on April 27, 86
picture sent blank - mess Color
Bar w/ message Good Evening Cpt
Will right Pr. 55 Should Femi
Wire Channel Beware.

2. Rented Private Investigator

[redacted]

Name heard names [redacted] knew abt it b6 b7C
I was involved.

McGill Investigation, done.
206 Glen St, Glen Falls, NY

[redacted] - works for [redacted]
& more. Light for [redacted]

Willing to take a polygraph test to confirm info.

b6 b7C
Talked to [redacted] & his Co. Mgr.
upto the incident. has his fingers
into movement to reduce charges to
state like necessary.

[redacted] in Bahamas
Behind 1305, Cen. Shore } both are split but technically guilty

Could be done w/ demo equipment by

Unknown but [redacted] well over a typ.

[redacted] Bore site (Cyclo & satellite dish) b6 b7C
shows the show.
uses an up-link in Cyprus. Was
a mock of show. Received by dish antenna
alone.

HBO only charges cable receive 9.95
Buy decoder for 395 plus 12.95 per mo.

worlds + shows carried thru Pan

[redacted] - " "
[redacted] - Panamsat [redacted]
~~Uses done deletes work for them~~

Am call to [redacted] - Jerry you have chick for b6 b7C
to do trip - head it Cancel home in Tex
a mobile rig. - could have have done
my wings. Can cancel the could footprint
the entire part of up-link equip.
Thursday Wade Petre - each has its own
segment footprint - Pete has sample of all
the dest points
[redacted] said would need modified equip
W/ more powerful transmitter than usually
used.
Go tried to get some lights, [redacted] started
Change of the subj.

Talked to Chris 2-3 times since
Mentioned a guy in Canada selling a bootleg
decoder Orchestris Toronto.
to Google HBO is in Cyprus Cable

b6
b7C

[redacted]

192B-260-1A2

MEMORANDUM OF CALL

Previous editions usable

Telephoned

TO: [redacted] tr 6/4/99 [illegible]

[X] YOU WERE CALLED BY— [ ] YOU WERE VISITED BY—

OF [redacted]

[ ] PLEASE PHONE ▶ [ ] FTS [ ] AUTOVON

[ ] WILL CALL AGAIN [ ] IS WAITING TO SEE YOU

[ ] RETURNED YOUR CALL [ ] WISHES AN APPOINTMENT

MESSAGE

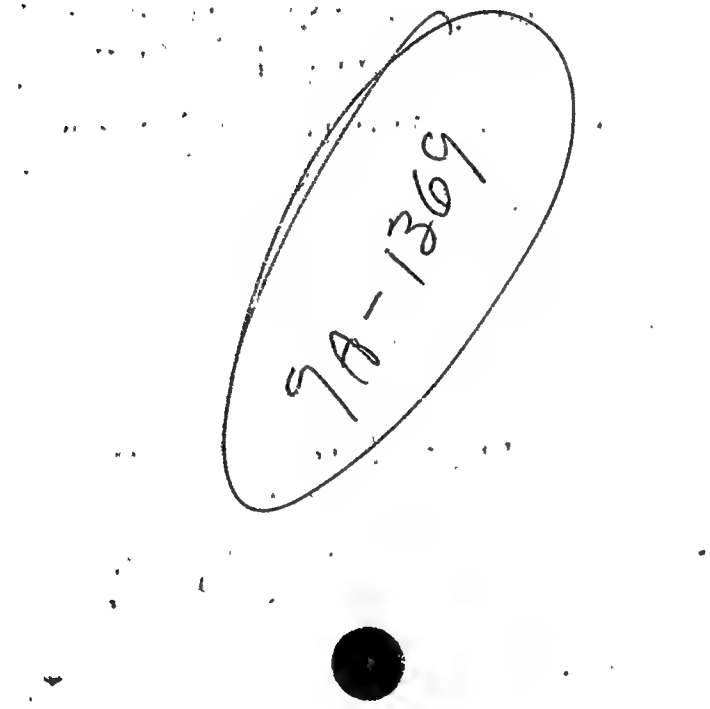
The info. you wanted is [redacted].

RECEIVED BY [redacted] DATE 5/28 TIME 1:40

63-110 NSN 7540-00-634-4018 STANDARD FORM 63 (Rev. 8-81)
★U.S.GPO:1985-0-461-274/20028 Prescribed by GSA
FPMR (41 CFR) 101—11.6

b6
b7C

b6
b7C


94-1369

FD-340 (Rev. 4-2-85)

Field File No. NY 192B-260-1A3

Serial # of Originating Document

OO and File No.

Date Received 5-23-86

From MICROTEL INC
(Name of Contributor)
303 WEST 42ND ST Room 405
(Address of Contributor)
[redacted]
(City and State)

[redacted]
(Name of Special Agent)

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title:

Reference:
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

1. PHOTOCOPY OF INVOICE #7590 DATED 6 [redacted] ACCT.
2. PHOTOCOPY OF ITEM #1

AUTOMATED RECORD

b6
b7C

b6
b7C

MICROTEL INC.
303 W. 42nd St., Rm. 405
New York, N.Y. 10036
(212) 246-3440

INVOICE #
7590

INVOICE

SOLD TO		SHIPPED TO
STREET &		STREET & NO.
CITY	ZIP	CITY STATE ZIP

b6
b7C

CUSTOMER'S ORDER	SALESMAN	TERMS	F.O.B.	DATE

3mos	Answering Service	10	mo	30	00
	Ext. 179 Ref. 1822				
	5-19-86 / 8-19-86				

REDIFORM
7H 721

5-23-86

b6
b7C

1923-260-1A3

FD-340 (Rev. 4-2-85)

Field File No. _____

Serial # of Originating Document _____

OO and File No. 92B-260-1A4

Date [redacted] HBO

From [redacted]

(Address of Contributor)

By [redacted]

(Name of Special Agent)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title:

Reference: _____

(Communication Enclosing Material)

Description: ☐ Original notes re interview of

1. Photocopy of manifest from Captain Midnight
2. [redacted] envelope from
3. Copy item #1

"AUTOMATED RECORD"

b6
b7C

b6
b7C

[redacted]

HBO

Home Box Office, Inc.
1100 Avenue of the Americas
New York, NY 10036

FMOS

b6
b7C

[redacted]

F.B.I.
26 FEDERAL PLAZA
NEW YORK

28TH FLOOR

RUSH

[redacted]

5703/86

b6
b7C

CAPT. MIDNIGHT

(212) 246-3811 EX. 179

MANIFESTO

During the early 1950's cable testing days in Bartlesville, Okla. and Etobicoke, Canada, the public was romanced by propaganda extolling the advantages of clearer pictures, a multiplicity of channels and marvelous advertising-free programming.

The Big Lie by cable entrepreneurs began to surface over the years as smaller communities were denied cable access, program quality diminished (while monthly rates increased) and the "vast wasteland" created by television was soon transferred to cable.

To add insult to injuries, reception signals are now being scrambled, preventing viewers from exercising their freedom of the airwaves. Unscrambling is available for a price (a/k/a extortion).

Ironically, CATV blatantly pirated neighboring TV signals with impunity for years, until a sweetheart deal with Congress sanctified this sort of white collar crime, aided and abetted by the FCC.

Therefore, it's time for television viewers to get mad as hell and not be victimized further!

For starters, our team of high-tech followers will soon introduce a fifth network, Better Program Interception (we'll leave the fourth to Fox-TV). Our transmission location, obviously secret, will utilize some very sophisticated state-of-the-art equipment that can neither be pinpointed nor disarmed.

Better Program Interception (BPI-TV) will regularly beam unannounced, innovative, exciting new programming free to existing cable systems throughout North America. When there is excessive sex, sleeze or violence on scheduled programs, our transmitter will superimpose a warning: THIS PROGRAM CAN BE HAZARDOUS TO YOUR MENTAL HEALTH.

Initial programming has been completed here and abroad, financed by a consortium of wealthy renaissance people, including a backlog of unreleased pilots and foreign feature films to be introduced on the "birds" this summer.

Our altruistic goal is to present new faces, immaginative formats and daring events that generate viewer loyalty at no charge to MSOs.

It's the Boston Tea Party all over again. Pay cable programming at premium prices without socially redeeming values (like taxation without representation) is unfair. This is the battle cry of not only 1.8 dish owners, but also millions of disenchanted television viewers now switching to video cassettes. So stay tuned!

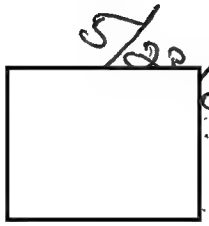
[redacted]

Peacefully yours,

C. M.

Capt. Midnight

b6
b7C



b6
b7C

FD-340 (Rev. 4-2-85)

Field File No. _____

Serial # of Originating Document 35

OO and File No. 192B-260-1A5

Date Received 5-5-86

From FBI
(Name of Contributor)

(Address of Contributor)

(City and State)

By _____
(Name of Special Agent)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title:

Reference: _____
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

5-5-86 Polygraph notes of [redacted] (charts)

b6
b7C

1-D-498
FD-497

AUTOMATED [illegible]

[redacted] b7E

Case Synopsis (Cont'd):

[redacted] advised that based on their long-standing practice of trading jokes and "barbs", he thought it would be fun to "pull his chain" and proceeded to tell him he had information about the incident. [redacted] said that when the message was broadcast, he was on vacation in Florida with his wife and children, at his inlaws' condominium. [redacted] stated that he has absolutely no information regarding Captain Midnight or the HBO message, and would be willing to take a polygraph. b6 b7C

[redacted] b7E

Location of Examination: Garden City RA	
Typed Name of Witness or Interpreter	Examinee Native Language: English
Examiner (typed name): [redacted]	Language(s) Examination Conducted: English
Division of Examiner: New York (GCRA)	Sign: [redacted]

b6 b7C

FBI/DOJ

FD-498 (Rev. 6-1-78)

POLYGRAPH EXAMINATION REPORT

Date of Report	Date(s) of Examination	Bureau File Number	Field File Number
6/2/86	5/5/86		NY 192-B-260

Office or Agency Requesting Examination: FBI - New York

Date Authorized	Authorizing Official
5/1/86	SAC

Examinee Name (last, first, middle): [redacted] SSN: [redacted] b6 b7C

Date of Birth	Place of Birth			
[redacted]	Bklyn, NY	Male ☒ Female ☐	Ht. 5'8" Wt. 154	Race W

Case Synopsis

UNSUB; aka
Captain Midnight;
INTERFERENCE WITH TELEVISION
SIGNAL RECEIVED FROM SATELLITE
GALLAXY I, 4/27/86; HOB, INC. -
VICTIM;
HOBBS ACT - COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATION SYSTEM
(OO:NY)

On 4/27/86, normal broadcasting was intercepted on Home Box Office (HBO), a pay TV channel, on cable network. The HBO signal was overridden, and the following message flashed on the screen, "Good evening HBO, from Captain Midnight. $12.95/month, no way! Showtime/Movie Channel Beware."

During the ensuing investigation, it was determined that the signal probably came from either Florida, Texas, or California, and would have to have been generated by someone possessing sophisticated and powerful satellite communications equipment.

On 5/1/86, information was received that an individual named [redacted] may have been involved in the illegal transmission. The information came from [redacted] at HBO, who stated that [redacted] in a telephone conversation, had told him that he knew who did it, knew where it came from, and that he was there, "a viewer from afar". b6 b7C

[redacted] Cabletech, a company that deals in satellite receiving equipment. [redacted] when interviewed, advised that he had, in fact, made those statements to [redacted] but in jest. [redacted] related that he has known [redacted] for several years, and that he jokes with him whenever they talk to each other. [redacted] advised that he called [redacted] to discuss business, and in the beginning of the conversation asked [redacted] about Captain Midnight. [redacted] stated that [redacted] became very serious and advised that he did not wish to talk about it.

FD-340 (Rev. 4-3-84)

Field File No. Ce 192B-07

OO and File No. NY 192B-260-1A6

Date [redacted]

From [redacted]

(Address of Contributor)

Shelby N. C.

By [redacted]

gent)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title:

Copy of Letter from "Captain Midnight"

Reference: _____

(Communication Enclosing Material)

Description: ☐ Original notes re interview of

[redacted]

"AUTOMATED RECORD"

b6
b7C

NEW YORK ATHLETIC CLUB
180 CENTRAL PARK SOUTH
NEW YORK, N. Y. 10019

5/20/86

Dear- [redacted]

You will have to forgive my anonymity. I appreciate the role of "Satellite Times" towards TVROs using words.

We're going to employ words, pictures, music and techinal innovation.

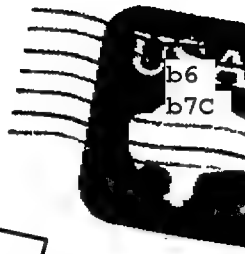
Good luck to both of us!

Sincerely,
C. M.

MAY-26-'86 07:43 T-SAT*TIME:DENVER 4058 #422-03

b6
b7C

CAPT. [redacted] MIDNIGHT



Satellite Times
1780 S. Bellaire St,
Suite 606
Denver, Colo. 80222

314-1

FD-340 (Rev. 4-2-85)

Field File No. _____

Serial # of Originating Document _____

OO and File No. 192B 260-HQ

Date Received _____

From FBI LAB
(Name of Contributor)

_____
(Address of Contributor)

_____
(City and State)

By _____
(Name of Special Agent)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title:

Reference: _____
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

RETURN RECEIPT CARD for 102,3
EVIDENCE WAS REC'D by FBI LAB
6/16/86

AUTOMATED RECORD

FD-441a (7-21-83)

FILL IN THIS CARD - RETURN TO NYO
Attention: Evidence Control Custodian

Date 6/12/86

Mailed to Fbi Lab

Registry No. 252-677825

Method of Mailing

☑ Registered ☐ Special Delivery

☐ Airmail ☐ Airmail Special Delivery

Checked by

Packaged by

RECEIPT

Received by

Date and Time Received

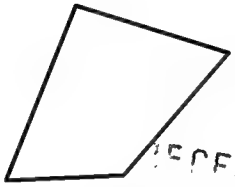
File Number of Mailing Office 192-260-1823

FBI/DOJ

b6
b7C

[redacted]

b6
b7C



RECEIVED
Jun 16 1 18 PM '86
EV[illegible]E
[illegible]L

CAH

FD-340 (Rev. 4-2-85)

Field File No. _____

Serial # of Originating Document _____

OO and File No. 192B-260-1A8

Date Received 7-14-86 FBI-NY

From 6-23-86 FBI-Charlotte
(Name of Contributor)

(Address of Contributor)

(City and State)

By _____
(Name of Special Agent)

To Be Returned ☐ Yes ☐ No Receipt Given ☐ Yes ☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure ☐ Yes ☐ No

Title:

Reference: _____
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

Duplicate tape of call between
[redacted] about Midnight +
[redacted] Shelby, NC,
on May 27, 1986

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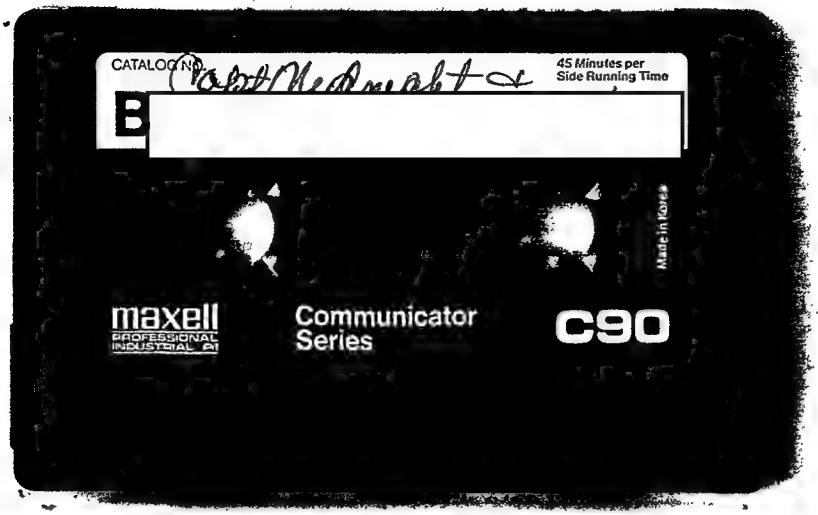
"AUTOMATED RECORD"

CATALOG NO.
45 Minutes per Side Running Time
A
6-23-86 FBI
Callon 5-27-86
maxell
PROFESSIONAL INDUSTRIAL
Communicator Series
C90
Made in Korea

b6
b7C


CATALOG NO.
45 Minutes per Side Running Time
B
Made in Korea
maxell
PROFESSIONAL INDUSTRIAL
Communicator Series
C90

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Bulky Exhibit - Inventory of Property Acquired as Evide
FD-192 (Rev. 6-9-82)

Date 5/20/86

Title and Character of Case

UNSUB AKA
CAPTAIN MIDNIGHT;
ET AL;
HOME BOX OFFICE INC AKA - VICTIM
HOBBS ACT - COMMERCIAL INSTITATION
INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEM OO: NY

Date Property Acquired	Source From Which Property Acquired
4/30/86	HBO & FBI

Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
VAULT SHELF	EVIDENCE PENDING CONCLUSION OF CASE

To Be Returned	See Serial	Agent Submitting Property or Exhibit	Agent Assigned Case
☐ Yes ☐ No		SA [redacted]	SA [redacted] JTF-1

b6
b7C

☐ Yes ☐ No Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure.

Description of Property or Exhibit

ONE RED ROPE FOLDER CONTAINING:

1. ONE VHS CASSETTE OF THE 4/27/86, HBO 12:30AM BROADCAST OF "THE FALCON AND THE SNOWMAN " AND THE INTERFERENCE BY UNSUB AKA CAPTAIN MIDMIGHT.

2. TWO SETS OF SEVEN 8"X10" COLOR PHOTOS PREPARED FROM A TV SHOWING OF ITEM #1 DISPLAYING THE HBO MOVIE AND THE INTERFERENCE BY CAPTAIN MIDNIGHT.

3. SET OF COLOR NEGATIVE PREPARED FROM A TV SHOWING OF ITEM #1 ON 5/5/86.

For Valuable and/or Narcotics Evidence Only

Evidence Bag Seal # _____

Signature of Two Special Agents Verifying and Sealing Bag Contents _____

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

_____ _____ _____

_____ _____ _____

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SERIALIZE
MAY 20 1986
FBI NEW YO
AUTOMATED RECORD

Field File # _____

OO: NY 192B-260-1B 1 JTF-1

ORIGINAL (FILE COPY)

CHAIN OF CUSTODY

Accepted Custody	Date	Time	Released Custody	Date	Time
Signature _____ Reason			_____		
Signature _____ Reason			_____		
Signature _____ Reason			_____		
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Signature _____ Reason			_____		
Signature _____ Reason			_____		

Item No. **Remarks**

Bulky Exhibit - Inventory of Property Acquired as Evidence
FD-192 (Rev. 6-9-82)

Date: 6/12/86

Title and Character of Case

UNSUB AKA
CAPTAIN MIDNIGHT; ET AL
HOBBS ACT - COMMERCIAL INSTITUTION;
ET AL
OO: NEW YORK

Date Property Acquired	Source From Which Property Acquired
5/23/86	[redacted] CBS NEWS

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Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
VAULT SHELF	EVIDENCE PENDING CONCLUSION OF CASE

To Be Returned	See Serial	Agent Submitting Property or Exhibit	Agent Assigned Case
☐ Yes ☐ No		SA [redacted]	SA [redacted] JTF-1

☐ Yes ☐ No Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure.

Description of Property or Exhibit

ONE CELLOPHANE ENVELOPE CONTAINING:

1. PHOTOCOPY OF TRANSMITTLE ENVELOPE, POST MARKED NY, NY 10199, 5/21/86
2. PHOTOCOPY OF PHOTOCOPY OF "MANIFESTO" FROM CAPTAIN MIDNIGHT.
3. PHOTOCOPY ITEM 1
4. PHOTOCOPY ITEM 2

For Valuable and/or Narcotics Evidence Only

Evidence Bag Seal # _____

Signature of Two Special Agents Verifying and Sealing Bag Contents _____

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

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SERIALIZED [redacted] FILED [redacted]
JUN 12 1986
FBI-NEW YORK

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Field File # _____ _____

OO: NY 192B-260-1B2 JTF-1

ORIGINAL (FILE COPY)

Bulky Exhibit - Inventory of Property Acquired as Evidence
FD-192 (Rev. 6-9-82)

Date 6/12/86

Title and Character of Case

UNSUB AKA
CAPTAIN MIDNIGHT; ET AL
HOBBS ACT - COMMERCIAL INSTITUTION;
ET AL
OO: NEW YORK

Date Property Acquired	Source From Which Property Acquired
6/5/86	[redacted] USA NETWORK

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Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
VAULT SHELF	EVIDENCE PENDING CONCLUSION OF CASE

To Be Returned	See Serial	Agent Submitting Property or Exhibit	Agent Assigned Case
☐ Yes ☐ No		SA [redacted]	SA [redacted] JTF-1

☐ Yes ☐ No Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure.

Description of Property or Exhibit

ONE CELLOPHANE ENVELOPE CONTAINING:

1. ORIGINAL TRANSMITTLE ENVELOPE POSTMARKED 5/26/86 NY, NY 100
2. ORIGINAL PHOTOCOPY OF MANIFESTO FROM CAPTAIN MIDNIGHT
3. PHOTOCOPY ITEM 1
4. PHOTOCOPY ITEM 2
5. ORIGINAL LETTER FROM [redacted] TO SA [redacted] DATED 6/3/86
6. ORIGINAL TRANSMITTLE ENVELOPE FROM [redacted] TO SA [redacted] POST MARKED NY, NY, 6/3/86

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For Valuable and/or Narcotics Evidence Only

Evidence Bag Seal # _____

Signature of Two Special Agents Verifying and Sealing Bag Contents _____

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

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FBI NEW YO[redacted]
AUTOMATED RECORD[redacted]

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Field File # _____

OO: NY 192B-260-1B3 JTF-1

ORIGINAL (FILE COPY)

Bulky Exhibit - Inventory of Property Acquired as Evide...
FD-192 (Rev. 6-9-82)

Date: 07/17/86

Title and Character of Case

UNSUB, AKA
CAPTAIN MIDNIGHT;
INTERFERENCE WITH TELEVISION SIGNAL 04/27/86, HBO INC., VIC.;
HOBBS ACT - IGCS;
00:NY

Date Property Acquired	Source From Which Property Acquired
07/14/86	[redacted] SHELBY NC.

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Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
VAULT SHELF	EVIDENCE PENDING CONCLUSION OF CASE

To Be Returned	See Serial	Agent Submitting Property or Exhibit	Agent Assigned Case
☐ Yes ☐ No		SA [redacted]	SA [redacted] JTF-1

☐ Yes ☐ No Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure.

Description of Property or Exhibit

ONE CELLOPHANE ENVELOPE CONTAINING

1. MICRO CASSETTE WITH CALL FROM PERSON IDENT. SELF AS CAPTAIN MIDNIGHT.
2. Standard size cassette duplicate tape of item #1

For Valuable and/or Narcotics Evidence Only

Evidence Bag Seal # _____

Signature of Two Special Agents Verifying and Sealing Bag Contents _____

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

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JUL 17 1986
FBI NEW YORK
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Field File # CH 192B-107

JTF-1

OO: NY 192B260 1B 4

ORIGINAL (FILE COPY)

Bulky Exhibit - Inventory of Property Acquired as Evidence
FD-192 (Rev. 6-9-82)

Date: 7/24/86

Title and Character of Case

UNSUB, AKA
CAPTAIN MIDNIGHT;
INTERFERENCE WITH TELEVISION SIGNAL 4/27/86, HBO INC, VIC.,
HOBBS ACT - IGCS;
OO: NEW YORK

Date Property Acquired	Source From Which Property Acquired
7/18/86	[redacted] HBO

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Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
VAULT SHELF	EVIDENCE PENDING CONCLUSION OF CASE

To Be Returned	See Serial	Agent Submitting Property or Exhibit	Agent Assigned Case
☐ Yes ☐ No		SA [redacted]	SA [redacted] JTF-1

☐ Yes ☐ No Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure.

Description of Property or Exhibit

ONE RED ROPE FOLDER CONTAINING:

1. ORIGINAL ENVELOPE FROM CAPT. MIDNIGHT TO HBO - PM NEW HAVEN, CT 7/13
2. ORIGINAL PHOTOCOPY OF NOTE TO "ALL CONCERNED CITIZENS" FROM "CAPTAIN MIDNIGHT"
3. ORIGINAL PHOTOCOPY OF MANIFESTO
4. ORIGINAL NOTE TO [redacted] FROM [redacted] DATED: 7/18
5. ORIGINAL NOTE TO [redacted] FROM [redacted] DATED 7/17/86.
6. ORIGINAL TAN ENVELOPE TO [redacted] F.B.I." FROM [redacted]
7. ONE SET OF PHOTOCOPIES OF ITEMS #1 THROUGH 5.

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For Valuable and/or Narcotics Evidence Only

Evidence Bag Seal # _____

Signature of Two Special Agents Verifying and Sealing Bag Contents _____

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

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FBI-NEW YO

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Field File # _____

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ORIGINAL (FILE COPY)

"AUTOMATED RECORD"

Bulky Exhibit - Inventory of Property Acquired as Evid[illegible]
FD-192 (Rev. 6-9-82)

Date 7/25/86

Title and Character of Case

UNSUB AKA CAPTAIN MIDNIGHT; ET AL
HOBBS ACT - COMMERCIAL INSTITUTION

Date Property Acquired	Source From Which Property Acquired
7/23/86	[redacted] MTV NETWORK INC.

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Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
VAULT SHELF	EVIDENCE PENDING CONCLUSION OF CASE

To Be Returned ☐ Yes ☐ No	See Serial	Agent Submitting Property or Exhibit	Agent Assigned Case
		SA [redacted]	SA [redacted] JTF-1

☐ Yes ☐ No Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure.

Description of Property or Exhibit

ONE RED ROPE FOLDER CONTAINING:

1. ORIGINAL LEGAL SIZE ENVELOPE FROM CAPT. MIDNIGHT TO PUBLIC RELATIONS DIRECTOR, SHOWTIME CABLE TV, POST MARKED NEW HAVEN, CT, 7/13/86.
2. ORIGINAL PHOTOCOPY OF "MANIFESTO" FROM CAPT. MIDNIGHT.
3. ORIGINAL PHOTOCOPY OF NOTE "ALL CONCERNED CITIZENS" FROM CAPT. MIDNIGHT.
4. ORIGINAL TRANSMITTE LETTER TO [redacted] FROM [redacted] JULY 22, 1986.
5. ORIGINAL TRANSMITTE ENVELOPE TO [redacted] FROM [redacted]
6. PHOTOCOPIES OF ITEMS #1 THROUGH 5

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For Valuable and/or Narcotics Evidence Only

Evidence Bag Seal # _____

Signature of Two Special Agents Verifying and Sealing Bag Contents _____

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

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OO: NY 192-260-1B 6 JTF-1

ORIGINAL (FILE COPY)

AUTOMATED RECORD

Bulky Exhibit - Inventory of Property Acquired as Evidence
FD-192 (Rev. 6-9-82)

Date: 11/13/86

Title and Character of Case

UNSUB;AKA
CAPTAIN MIDNIGHT:ET AL
HOBBS ACT-COMMERCIAL INSTITUTION:
INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEMS
OO:NY

Date Property Acquired	Source From Which Property Acquired
11/13/86	[redacted] FCC 1919M ST NW ROOM744

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Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
VAULT SHELF	EVIDENCE PENDING CONDLUSION OF CASE

To Be Returned	See Serial	Agent Submitting Property or Exhibit	Agent Assigned Case
☐ Yes ☒ No		SA [redacted]	SA [redacted] JTF-1

☐ Yes ☒ No Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Fed[redacted]dure.

Description of Property or Exhibit

ONE RED ROPE CONTAINING:

1. FOUR CASSEITE TAPES OF RADIO SHOWF.M. AMERICA FROM 7:21 pm ON 4-29-86.TO 2;13 AM on 4-30-86.

2. ONE CASSETTE TAPE OF CAPT. MIDNIGHT AT 12;15 AM ON 4-30-86
3. DHL SHIPPING INVOICE #97199530

For Valuable and/or Narcotics Evidence Only

Evidence Bag Seal # _____

Signature of Two Special Agents Verifying and Sealing Bag Contents _____

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

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Field File # NY -192B-260 187

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ORIGINAL (FILE COPY)

Bulky Exhibit - Inventory of Property Acquired as Evidence
FD-192 (Rev. 6-9-82)

Date: 11/13/86

Title and Character of Case

UNSUB; AKA
CAPTAIN MIDNIGHT;ET AL
HOBBS ACT-COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEMS
OO:NY

Date Property Acquired	Source From Which Property Acquired
11/13/86	[redacted] RCC 1919 ST.NY ROOM 744

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Location of Property or Bulky Exhibit	Reason for Retention of Property and Efforts Made to Dispose of Same
VAULT SHELF	N EVIDENCE PENDING CONCLUSION OF CASE

To Be Returned	See Serial	Agent Submitting Property or Exhibit	Agent Assigned Case
☐ Yes ☑ No		SA [redacted]	SA [redacted] JTF_1

☐ Yes ☑ No Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules of Criminal Procedure.

Description of Property or Exhibit

ONE RED ROPE FOLDER CONTAINING:

1. ENVELOPE TO ISTN, MARKED Q-1
2. ENVELOPE TO ISTN, MARKED Q-2
3. CASSETTE TAPE MARKED Q-3
4. CASSETTE TAPE MARKED Q-4
5. FBI RECEIPT OF 5-9-86

For Valuable and/or Narcotics Evidence Only

Evidence Bag Seal # _____

Signature of Two Special Agents Verifying and Sealing Bag Contents _____ _____

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

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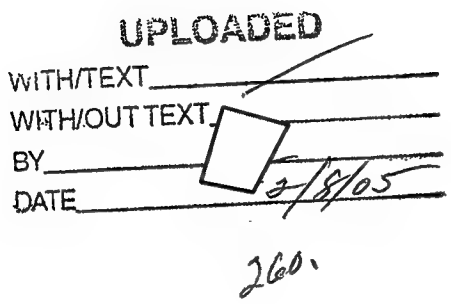
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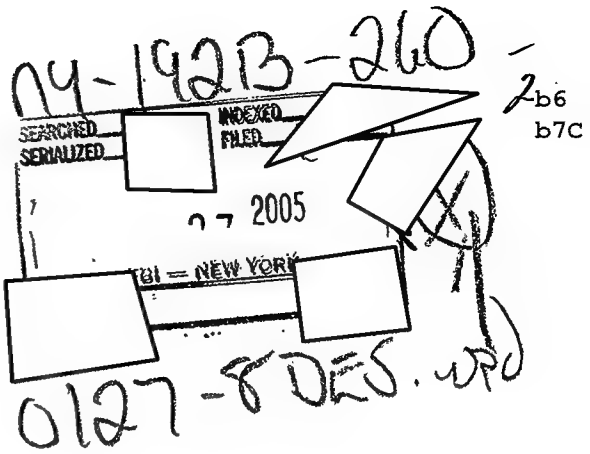
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FBI — NEW YORK
0127-8 DES.wpd

(Rev. 01-31-2003)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE **Date:** 01/27/2005

To: New York **Attn:** Evidence Control Unit

From: New York
C-19
Contact: SA [redacted]

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Approved By: [redacted]

Drafted By: [redacted]

Case ID #: NY-192B-260 (Closed) -2

Title: UNSUB AKA CAPTAIN MIDNIGHT;
INTERFERENCE WITH TV SIGNAL RECEIVED FROM SATELLITE GALAXY 1;
04/27/1986;
HOME BOX OFFICE INCORPORATED AKA HBO-VICTIM;

Synopsis: Evidence for destruction.

Enclosure(s): See attached printout.

Details: Evidence in the custody of the Evidence Control Unit can be destroyed as these exhibits are no longer pertinent to the case. The captioned case was closed on 11/04/1987.

♦♦

DECLASSIFIED BY: NSICG [redacted]
ON 11-25-2025

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~~SECRET~~

12/23/04 Pending Collected Items for a Squad ICMIPR17
08:48:00 Squad: C19 Page 1
Collected Item Type: All
Category Type: 18
(Pending Cases Excluded)

Case Number: NY 192B-260 Closed: 11/04/87

Cat/Num	Acquired	Type	Barcode	Anticipated Dispostion and Date	Description
1B1	04/30/1986	G	E0833907		1B1: ONE RED ROPE CONTAINING (1) ONE VHS CASSETTE OF THE 4/27/86 HBO 12:30AM BROADCAST OF "THE FALCON AND THE SNOWMAN ", AND THE INTERFERENCE BY UNSUB, AKA CAPTAIN MIDNIGHT; (2) TWO SETS OF SEVEN 8" X 10" COLOR PHOTOS PREPARED FROM A TV SHOWING OF ITEM #1, DISPLAYING THE HBO MOVIE AND THE INTERFERENCE BY CAPTAIN MIDNIGHT; (3) ONE SET OF COLOR NEGATIVES PREPARED FROM A TV SHOWING OF ITEM #1 ON 5/5/86.
1B5	07/18/1986	G	E0492220		1B5; ONE RED ROPE FOLDER CONTAINING ORIGINAL ENVELOPE FROM CAPT. MIDNIGHT TO HBO-PM NEW HAVEN, CT 7/13; ORIGINAL PHOTOCOPY OF NOTE TO "ALL CONCERNED CITIZENS" FROM "CAPTAIN MIDNIGHT"; ORIGINAL COPY OF MANIFESTO; ORIGINAL NOTE TO [redacted] FROM [redacted] DATED 7/18; ORIGINAL NOTE TO [redacted] FROM [redacted] DATED 7/17/86; ORIGINAL TAN ENVELOPE TO [redacted] F.B.I." FROM [redacted] ONE SET OF PHOTO COPIES OF ITEMS #1 - 5.

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~~SECRET~~

(03/31/95)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE Date: 12-15-98

To: New York Attn: Closed Files

From: PITC, Archives Unit

Approved By: [redacted] b6 b7C

Drafted By: Archive Technician: [redacted]

File Number(s): 192-260 (Closed)

Title:

Synopsis: File Destruction

Enclosure(s): Enclosed are 1 items.

These items are forwarded to your office since you were OO at the time our case was RUC'd.
Enclosure(s) are described as follows:

1 1-A EXHIBITS	____ SURVELLANCE LOGS
____ FD-302 ORIGINALS	____ INSERTS
____ LABORATORY REPORTS	____ TAX RETURNS
____ LATENT FINGERPRINT REPORTS	____ OTHER

Details: all 1A 23

NOTE: DO NOT BLOCK STAMP ORIGINAL ENCLOSURES 192-260

SEARCHED INDEXED
SERIALIZED FILED
MAR 22 1999
FBI NEW YORK
[redacted] b6 b7C

DIRECTOR, FBI
(ATTN: CID-PERSONAL
CRIMES UNIT)

ADIC, NEW YORK (192B-260) (P) (JTF-1)

192B-1028

UNSUB, aka
Captain Midnight
INTERFERENCE WITH TELEVISION
SIGNAL RECEIVED FROM
SATELLITE, GALAXY 1
4/27/86
HOME BOX OFFICE, INC., aka
HBO - VICTIM
HOBBS ACT - COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATION SYSTEMS
(OO: NY)

HBO®

[redacted]

April 28, 1986

The Honorable [redacted]
[redacted]
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, DC

Dear [redacted]:

I would like to bring to your attention a situation which poses very serious and far-reaching consequences for American consumers and American business. As you will see from the facts set out below, it is not an overreaction to say that the technical and economic underpinnings of this nation's satellite communications delivery system, both private and commercial information, is threatened. It may also be that this development has serious implications for national defense uses of satellite technology.

On Sunday, April 27th at 12:32 a.m. (N.Y.T.) HBO's transmission on Galaxy I Transponder 23 (HBO East) was interrupted by an unauthorized signal being transmitted from an unknown source.

The interfering video carrier containing SMPTE color bars and an alpha numeric message stating "Good evening HBO from Captain Midnight, $12.95? No way! (Showtime/Movie Channel Beware!)" lasted approximately 4 minutes.

Judging from the type of test pattern used and the quality of the lettering (smooth shapes, shadow border around the letters, on-screen centering), the material appears to have been created by the use of professional equipment.

In addition, in order for the signal to overpower HBO's transmission and capture the transponder, it had to exceed our normal uplink power, which is 125 watts, into an 11-meter antenna system.

The interfering carrier remained dominant as we attempted to regain the transponder by raising our power to 2000 watts for a short duration. This means that the interference had to have enough uplink transmit power to exceed ours by approximately 2 times (3db).

[redacted]

[redacted]

Home Box Office, Inc.
1100 Avenue of the Americas New York, NY 10036 (212) 512-1364

Exec. AD-P...2
Exec. AD-Inv.
Exec. AD-LES
Asst. Dir.:
Adm. Servs.
Crim. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Off. of Cong. & Public Affs.
Rec. Mgmt.
Tech. Servs.
Training
Telephone Rm.
Director's Sec'y

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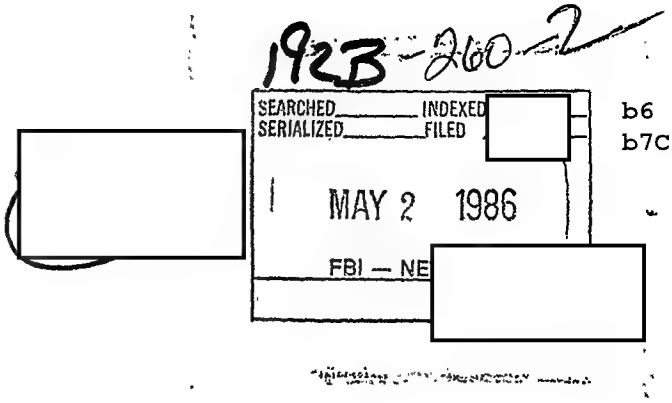
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This further supports our theory that a professional installation was used to create and uplink the interfering carrier.

HBO's Director of Engineering happened to have been taping the HBO feed Saturday night/Sunday morning. A copy of his tape is being sent to the FCC under separate cover (Attention [redacted]. We are examining the tape to see if we can identify the type and model number of the character generator used and to determine if there is any identifying VITS (Vertical Interval Test Signal) information present.

It should also be noted that this morning we have received several phone calls threatening additional intentional interference with the HBO signal, as well as a threat to take over the telemetry and tracking function and physically move the satellite out of its orbital position.

I hope you agree about the extraordinary seriousness of this problem and that you will direct the Commission to use all its investigative resources to identify the source of yesterday's interference and to prevent further interference to the HBO signal.

Finally, I would like to meet with you to further discuss this problem and Time Incorporated's [redacted] will be contacting you for an early meeting time.

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Sincerely,

[redacted]

[redacted]

cc: The Honorable William H. Webster
Director
Federal Bureau of Investigation

APR 30 '86 11:41 FBI HQ SMBD P.2

HBO®
Home Box Office, Inc.
1100 Avenue of the Americas
New York, NY 10036

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The Honorable William H. Webster
Director
Federal Bureau of Investigation
J. Edgar Hoover Building
9th Street & Pennsylvania Avenue, NW.
Room 7176

BY MESSENGER

FD-116 (Rev. 8-18-78)

Transmit attached by Facsimile - UNCLAS

Precedence: Immediate

To: FBI, NEW YORK (SA [redacted]

Date: 4/30/86

From: DIRECTOR, FBI

Time: Transmitted -

Subject: UNSUB;
HOME BOX OFFICE (HBO), INC.
1100 AVENUE OF THE AMERICAS,
NEW YORK - VICTIM; HOBBS ACT - COMMERCIAL INSTITUTION

Initials -

☐ Fingerprint Photo ☐ Fingerprint Record ☐ Map ☐ Newspaper clipping ☐ Photograph

☐ Artists Conception ☒ Other letter from HBO dated 4/28/86, to [redacted]

Special handling instructions:

Hand carry to SA [redacted] upon arrival.

Approved: [redacted]

192B-260-39

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
MAY 2 1986
FBI [redacted]

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APR 30 '86 11:40 FBI HQ SWBD 2

P.1

8-16-79)

TRANSMIT VIA: ~~AIRTEL~~

CLASSIFICATION: _____ DATE: 4/30/86

FROM: Director, FBI

TO: SACs, New York (Enclosures 2)
Dallas (Enclosure 1)(info)
Attn: [redacted] b6 b7C
Salt Lake City (Enclosure 1)(info)

UNSUB;
HOME BOX OFFICE (HBO), INC.
1100 AVENUE OF THE AMERICAS,
NEW YORK - VICTIM;
HOBBS ACT - COMMERCIAL INSTITUTION
OO: NEW YORK

ReButelcal to New York, 4/20/86.

Enclosed for New York are two copies of a letter from [redacted] Chief Executive Officer, HBO, New York, New York, to the Federal Communications Commission (FCC) dated 4/28/86, which was received at FBIHQ on the same date. b6 b7C

One copy of same letter to Dallas and Salt Lake City for information.

The enclosed letter states that HBO has been receiving telephone calls threatening "jamming" of its television signals. Further, HBO has received a threat to "take over the telemetry and tracking function and physically move the satellite out of its orbital position."

New York is requested to contact appropriate officials at HBO Headquarters to ascertain details of the threats being received by that company and thereafter conduct appropriate investigation.

[redacted] b6 b7C

DATE [redacted] MAY 6 1986

[redacted]

1925-260-5

[redacted]

SEARCHED ..... INDEXED .....
SERIALIZED ..... FILED .....
FBI - NEW YORK

FBI/DOJ

FD-36 (Rev. 8-29-85)

FBI

TRANSMIT VIA:
☒ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:
☐ Immediate
☒ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS
Date 5/1/86

FM SALT LAKE CITY (192B-NEW) (P)

TO DIRECTOR PRIORITY 04 39 MS

DALLAS PRIORITY 05 00 RED

NEW YORK PRIORITY

SAN FRANCISCO PRIORITY

WFO PRIORITY 05 24 CR 05 53 CC

BT

U N C L A S

ATTN: UNIT CHIEF [redacted] PERSONAL CRIMES UNIT; AND b6 b7C

[redacted] TECHNICAL SERVICES DIVISION, FBIHQ.

"CHANGED TITLE", UNSUB, AKA "CAPTAIN MIDNIGHT"; HBO CABLE TV - VICTIM; HOBBS ACT - COMMERCIAL INSTITUTION.

RE BUREAU AIRTEL DATED 4/30/86.

TITLE IS MARKED "CHANGED" TO REFLECT THE ALIAS OF UNSUB AS "CAPTAIN MIDNIGHT."

ON 4/29/86, INFORMATION WAS RECEIVED FROM [redacted] b6 b7C

[redacted] FEDERAL COMMUNICATIONS COMMISSION

(1)- SU

[redacted]

192B-260-66

Approved: [redacted] Transmitted 003 (Number) (Time) Per _____

[redacted]

SEARCHED INDEXED SERIALIZED FILED
MAY 09 1986
FBI — NEW YORK

FD-36 (Rev. 8-29-86)

FBI

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE TWO SU 192B-NEW U N C L A S

(FCC), SAN FRANCISCO, CALIFORNIA, THAT ON OR ABOUT 1:00 A.M., 4/27/86, A "HACKER" WHO DUBBED HIMSELF AS "CAPTAIN MIDNIGHT" BROKE INTO THE HBO CABLE TELEVISION CHANNEL AND INTERRUPTED THE MOVIE "THE FALCON AND THE SNOWMAN." THIS INTERRUPTION CONSISTED OF A MULTICOLORED TEST PATTERN WITH A MESSAGE IN WHITE LETTERS WHICH STATED, "GOOD EVENING HBO FROM CAPTAIN MIDNIGHT, $12.95? NO WAY. SHOWTIME/MOVIE CHANNEL BEWARE." THIS IS PERCEIVED AS AN APPARENT PROTEST OF THE POLICY INSTITUTED BY HBO ON 1/15/86, WHEREIN HBO BECAME THE FIRST MAJOR CABLE CHANNEL TO SCRAMBLE ITS SIGNAL TO PREVENT SATELLITE DISH OWNERS FROM PICKING UP THE HBO PROGRAMS FOR FREE.

ON 4/29/86, [redacted] b6 b7C [redacted] FCC, ADVISED THAT HE HAD RECEIVED INFORMATION, FROM A SOURCE, THAT CAPTAIN MIDNIGHT WAS GOING TO CALL THE FM AMERICA PROGRAM THE NIGHT OF 4/29/86. THE CALL WAS TO COME FROM THE DALLAS, TEXAS AREA.

THE FM AMERICA PROGRAM IS A SATELLITE TALK SHOW HOSTED BY [redacted] AND [redacted] AND ORIGINATES IN SALT LAKE CITY, UTAH. IT IS BROADCAST OVER TELESTAR 303,

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

FD-36 (Rev. 8-29-86)

FBI

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE THREE SU 192B-NEW U N C L A S

TRANSPONDER 18, 62 AUDIO.

ON THE EVENING OF 4/29/86, IMMEDIATE PROCEDURES WERE INSTITUTED TO OBTAIN A COURT ORDER TO INSTALL A TRAP AND TRACE DEVICE TO DETERMINE THE LOCATION AND IDENTITY OF THE CALLER. WITH THE APPROVAL OF THE U.S. ATTORNEY'S OFFICE THE "TRAP AND TRACE" WAS INSTALLED, ALTHOUGH NO JUDGE OR MAGISTRATE WAS AVAILABLE UNTIL THE NEXT DAY AND THE TRAP AND TRACE WAS DISCONTINUED ON 4/30/86, WITHOUT THE ORDER BEING SIGNED.

A CALL, ALLEGEDLY FROM CAPTAIN MIDNIGHT, WAS MADE TO THE FM AMERICA PROGRAM BETWEEN 10:13 AND 10:17 P.M., MOUNTAIN DAYLIGHT TIME, HOWEVER, THE WRONG TELEPHONE NUMBER HAD BEEN ENTERED INTO THE COMPUTER BY AT&T AND THEY WERE UNABLE TO TRACE THE CALL. THE PROGRAM WAS RECORDED BY FCC AND THEY ADVISED THAT THEY HAVE THE SUBSTANCE OF THE CALL. THEY ALSO ADVISED THAT [redacted] MADE REFERENCE TO ANOTHER INDIVIDUAL WHO CALLED INTO THE PROGRAM, THAT HE TELEPHONICALLY CONTACTED CAPTAIN MIDNIGHT EARLIER THAT EVENING. b6 b7C

WASHINGTON FIELD OFFICE AT WASHINGTON D.C.

WFO IS REQUESTED TO CONTACT [redacted] FCC, FTS

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

MAY 02 '86 12:23

FD-36 (Rev. 8-29-85)

FBI

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE FOUR SU 192B-NEW U N C L A S

TELEPHONE NUMBER 632-6975, HOME TELEPHONE [redacted] b6 b7C

TO OBTAIN TAPE RECORDINGS OF TUESDAY NIGHT'S BROADCAST.

WFO AND SU WILL MAINTAIN CONTACT WITH FCC AS FCC HAS SOURCE THEY BELIEVE HAS DIRECT INFORMATION RELATING TO CAPTAIN MIDNIGHT. THIS IS ESPECIALLY IMPORTANT DUE TO THE FACT THAT CAPTAIN MIDNIGHT HAS AND WILL CONTINUE TO CONTACT FM AMERICA TO AIR HIS BELIEFS CONCERNING THE SCRAMBLING OF HBO. IT IS NOTED THAT FCC BELIEVES IT IS IMPOSSIBLE TO TRAP AND TRACE THESE CALLS DUE TO CAPTAIN MIDNIGHT'S SOPHISTICATION AND THE FACT THAT HE MAY USE FM TRANSMITTERS TO MAKE THE CALLS. ACCORDING TO FCC, IF HE DOES USE AN FM TRANSMITTER, A TRAP AND TRACE WOULD BE ABLE TO LOCALIZE THE CALLS WITHIN A 20 MILE RADIUS.

BT

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

MAY 02 '86 12:24

FD-448 (Rev. 9-18-75)

Precedence: [illegible]

To: SAC, NY

From: SAC SU

Subject: Captain midnight

Date: 5/2/86

Time: Transmitted - 325 PM

Initials:

b6
b7C

☐ Fingerprint Photo ☐ Fingerprint Record ☐ Map ☐ Newspaper clipping ☐ Photograph

☐ Artists Conception ☐ Other

Special handling instructions:

192B-260-7

SEARCHED SERIALIZE INDEXED FILED

MAY 0 3 1986

FBI — NEW YORK

22:21 98

Approved:

P.1

Memorandum

To : SAC, NEW YORK (192B-260) Date 5/2/86

From : SA [redacted] (JTF-1) b6 b7C

Subject : UNSUB, aka
Captain Midnight;
INTERFERENCE WITH
TELEVISION SIGNAL RECEIVED
FROM SATELLITE GALAXY I,
4/27/86;
HOME BOX OFFICE, INCORPORATED, aka
HBO - VICTIM
HOBBS ACT - COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATIONS SYSTEM
(OO: NY)

On 4/29/86, [redacted] of U.S. Cable Technology, Inc., T/A Cabletech, advised [redacted] of Viacom Networks Group that he had been present when captioned unsub interfered with the HBO signal. b6 b7C

On 5/1/86, [redacted] told [redacted] of HBO that he thought he could find out who interfered with the HBO signal. [redacted] also told HBO that he thought he could catch this person in the act. HBO did not hire [redacted], but told him that HBO would get back to him.

On 5/2/86, [redacted] was interviewed by SA [redacted] admitted his statement to [redacted] of Viacom, but [redacted] claimed that he was only joking and that he was not present when the HBO signal was interfered nor did he know the identity of Captain Midnight. b6 b7C

[redacted] also admitted that he had contacted HBO and offered his services to HBO but [redacted] did not know how he could identify or catch Captain Midnight.

[redacted] advised he would take a polygraph examination.

On 5/2/86, ASAC [redacted] was advised of the above facts, at which time ASAC [redacted] authorized a polygraph examination of [redacted] b6 b7C

192B-260-8

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
MAY 0 2 1986
FBI — NEW [redacted]

[redacted]
(2)

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☐ AIRTEL

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 5/6/86

TO: ADIC, NEW YORK (JTF-1) (192B-NEW)

FROM: SAC, WASHINGTON FIELD (192-63) (P) (C-4)

UNKNOWN SUBJECT, aka
Captain Midnight;
INTERFERENCE WITH TELEVISION
SIGNAL RECEIVED FROM SATELLITE GALAXY 1,
APRIL 27, 1986, HOME BOX OFFICE, INC.,
aka HBO-VICTIM;
HOBBS ACT-COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATION SYSTEMS;
OO:NY

Enclosed for New York (sent via Federal Express) are copies of five tapes received by WFO from [redacted] FEDERAL COMMUNICATIONS COMMISSION, Field Operations Bureau, 1919 M Street, N.W., Room 744, Washington, D.C. 20554, (202) 632-6345. b6 b7C

[redacted] b6 b7C

192-860-9

SEARCHED INDEXED SERIALIZED FILED

MAY 1986

3-New York (Enc.5) (1 package copy)
2-Washington Field Office

TVW:las
(5)

Approved: [redacted] Transmitted [redacted] (Number) [redacted] (Time) Per [redacted]

AUTOMATED SEARCH

DATE: MAY 19 1986 [redacted]

INBOX 9 (#1189)

TO: HQ2 @ SAMNET-EMH, NY @ SAMNET-EMH, DL @ SAMNET-EMH

FROM: WFO @ SAMNET-EMH

SUBJECT: 126/048 PRIORITY

DATE: 7 MAY 86 01:52:10 EDT

CC:

TEXT: VZCZCWF048

PP HQ NY DL SU

DE WF048 126 0152

ZNR UUUUU

P 060152Z MAY 86

FM FBI, WASHINGTON FIELD OFFICE (192-63)(P)(C-4)

TO DIRECTOR, FBI ROUTINE

ATTN: CID-PERSONAL CRIMES UNIT

FBI, NEW YORK (192B-NEW) PRIORITY

FBI, DALLAS (INFO) ROUTINE

FBI, SALT LAKE (INFO) ROUTINE

BT

UNCLAS

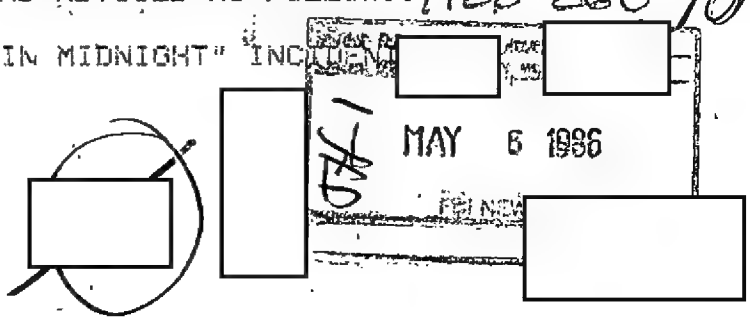
UNSUB; AKA CAPTAIN MIDNIGHT; AKA ET AL; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEMS; OO: ~~WFO~~ NY

RE NEW YORK TEL DATED 5/2/86, AND SALT LAKE TEL, DATED 5/2/86.

[redacted] FCC, 1919 M STREET, NW, ROOM 744, WASHINGTON, D.C., CONTACTED 5/6/86, AND ADVISED AS FOLLOWS: 192B-260-10

b6
b7C

THE FCC HAS BEEN FOLLOWING THE "CAPTAIN MIDNIGHT" INCIDENT



AND FEELS THE BROADCAST ORIGINATED FROM A PROFESSIONAL/ COMMERCIAL FACILITY DUE TO THE QUALITY AND NATURE OF THE BROADCAST, AS OPPOSED TO ORIGINATING FROM A "BACKYARD" OPERATION. ACCORDING TO [redacted] THE "CHARACTERS" AND "COLOR BAR" OF THE INTERRUPTION WERE UNIQUE AND POSSIBLY IDENTIFIABLE AS TO WHAT BRAND OF EQUIPMENT WAS UTILIZED TO CREATE THEM. THE FCC IS ATTEMPTING TO ANALYZE THE BROADCAST AND MAKE SUCH A DETERMINATION IN HOPES OF PROVIDING INVESTIGATIVE LEADS. b6 b7C

HE FURTHER ADVISED THAT CBS IN DALLAS, TEXAS REPORTEDLY GOT A TIP ON 4/27/86, THAT CAPTAIN MIDNIGHT WAS AN INDIVIDUAL NAMED [redacted] LEWISVILLE, TEXAS. [redacted] HAS A SATELLITE STATION WITH THE CAPABILITY TO CREATE SUCH A BROADCAST. A SECOND INDEPENDENT SOURCE ADVISED ABOUT ONE MONTH AGO HAT [redacted] THREATENED SUCH ACTION AGAINST HBO WHILE TALKING VIA AMATEUR RADIO. FCC EMPLOYEES [redacted] [redacted] OR [redacted] (TELEPHONE NUMBER 767-5690) CAN PROVIDE DALLAS FURTHER DETAILS. b6 b7C

12

[redacted] ALSO ADVISED THAT THE RADIO PROGRAM "FM AMERICA" HAD RECEIVED A CALL FROM AN INDIVIDUAL CLAIMING TO BE "CAPTAIN AMERICA" AT 12:15 A.M. ON 4/30/86, AND PROVIDED FOUR CASSETTE RECORDINGS OF THIS PROGRAM BEGINNING AT 8:23 P.M. (4/29/86) AND ENDING 2:13 A.M. (4/30/86). HE ALSO PROVIDED A COPY OF "CAPTAIN MIDNIGHT'S" CALL (12:15 A.M. ON 4/30/86). ALL TAPES PROVIDED ARE DUPLICATES. WFO WILL FORWARD TO NEW YORK FOR INVESTIGATIVE ASSISTANCE. b6 b7C

[redacted] FURTHER STATED THE HOST OF "FM AMERICA" ATTEMPTED TO CALL "CAPTAIN AMERICA" ON THE AIR UTILIZING A TOUCH-TONE TELEPHONE, AND THAT HBO HAD PROVIDED [redacted] A COPY OF THIS TRANSMISSION ON VIDEO TAPE (ALTHOUGH THE BROADCAST IS FM AND AUDIO ONLY). [redacted] WIL PROVIDE A COPY, WHICH WFO WILL PROVIDE TO THE FBI ENGINEERING SECTION FOR ANALYSIS TO DETERMINE THE TELEPHONE NUMBER DIALED (IF NEW YORK HAS NO OBJECTION). b6 b7C

[redacted] STATED HBO (IN NEW YORK) HAS RECEIVED TWO TIPS REGARDING THE IDENTITY OF CAPTAIN MIDNIGHT. b6 b7C

1. [redacted] OVERHEARD AN AMATEUR RADIO TRANSMISSION STATING CAPAIN MIDNIGHT WAS A HAM RADIO

OPERATOR WITH CALL NUMBERS [redacted] (WHO FCC RECORDS IDENTIFY AS [redacted] BENICIA, CALIFORNIA, 94510). [redacted] IS EMPLOYED AT [redacted] CONCORD, CALIFORNIA. b6 b7C

2. HBO (NEW YORK) RECEIVED A TELEPHONE CALL FROM [redacted] CALLED AND ADVISED HE KNOWS WHO CAPTAIN MIDNIGHT IS. HBO AND FCC HAVE BEEN UNABLE TO REACH [redacted] AT THAT TELEPHONE NUMBER.

THE FCC HAS ALSO OVERHEARD SEVERAL AMATEUR RADIO TRANSMISSIONS WHEREIN THE FOLLOWING WAS STATED:

1. [redacted] (CALL NUMBER), IDENTIFIED AS [redacted] HIAWATHA, IOWA, 52233, ADVISED [redacted] WAS CAPTAIN MIDNIGHT. [redacted] IS IDENTIFIED AS [redacted] BELLEVUE, IDAHO, 83313. b6 b7C

2. AMATEUR OPERATOR [redacted] DALLAS, TEXAS, HAS THREATENED OVER THE AIR TO INTERRUPT HBO TRANSMISSIONS. FCC DALLAS IS CHECKING ON THIS.

WFO WILL FORWARD RECORDING (OF FM AMERICA'S TELCALL TO CAPTAIN MIDNIGHT) TO FBI ENGINEERING SECTION WHEN RECEIVED FROM FCC WASHINGTON, D.C.

LEADS ARE BEING LEFT TO DISCRETION OF NEW YORK.

BT

#0048

NNNN

----------END OF DOCUMENT----------

-->

Memorandum

To : SAC (192B-260) Date 5-8-86

[redacted] b6 b7C

Subject : Unsub aka
Captain Midnight;
et al
Hobbs Act-Commercial Institution,
Interference with Government
Communications System
OO: NY

For information of NY, it is anticipated that captioned investigation will generate a large quantity of investigative inserts and forms FD 302.

It is requested that a subfile be created in this matter, to which the investigative inserts and forms FD 302 may be directed.

192B-260-11

SEARCHED SERIALIZED INDEXED FILED
FBI MAY 08 1986

[redacted] b6 b7C

(1) 192B-260 Main
1-192B-260 Sub A

[redacted]

INBOX.24 (#1535)

TO: WQ2 @ SAMNET-EMH, NY @ SAMNET-EMH, DL @ SAMNET-EMH, SE @ SAMNET-EMH

FROM: WFO @ SAMNET-EMH

SUBJECT: 130/031/ROUTINE

DATE: 10 MAY 86 05:36:45 EDT

CC:

TEXT: VZCZCWFO031

RR HQ NY DL DE SU

DE WF 0031 1300536

ZNR UUUUU

R 100500Z MAY 86

FM FBI, WASHINGTON FIELD OFFICE (192-63)(P)(C-4)

TO DIRECTOR, FBI ROUTINE

FBI, NEW YORK ROUTINE

FBI, DALLAS ROUTINE

FBI, SEATTLE ROUTINE

FBI, SALT LAKE ROUTINE

BT

UNCLAS

UNSUB; AKA CAPTAIN MIDNIGHT; AKA ET AL; HOBBS ACT - COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEMS; OO: WASHINGTON FIELD OFFICE

ON 5/9/86 [redacted] FCC, WASHINGTON, D.C., CONTACTED WFO AND PROVIDED THE FOLLOWING INFORMATION:

b6
b7C

FCC LALLAS OFFICE HAS LEARNED OF A VOICE RETRIEVAL SERVICE AT TELEPHONE 214-733-5162. THIS SERVICE IS REPORTEDLY USED TO FORWARD MESSAGES SO THAT THE MESSAGES

260-12
192-63

[redacted]

MAY 10 1986

[redacted]

CANNOT BE TRACED. A PERSONAL ACCESS CODE IS REQUIRED TO GAIN ACCESS TO THIS SERVICE. FCC HAS OBTAINED INFORMATION THAT A CAPTAIN MIDNIGHT MAY HAVE USED THIS SERVICE TO FORWARD MESSAGES. IT IS NOT KNOWN IF THIS CAPTAIN MIDNIGHT IS THE SAME AS CAPTIONED CAPTAIN MIDNIGHT. [redacted] b6 b7C ADVISED THAT [redacted], FCC DALLAS IS POINT OF CONTACT FOR FURTHER INFORMATION REGARDING THIS SERVICE.

[redacted] STATED THAT FCC IN SEATTLE HAS RECEIVED INFORMATION THAT A [redacted] HAS IN THE PAST, BEEN REPORTED FOR INTERERING WITH AMATEUR 2 METER COMMUNICATIONS. REPORTS REGARD [redacted] INTERFERENCES HAVE BEEN LODGED WITH FCC. [redacted] IS A REGULAR ON THE PROGRAM "FM AMERICA" FROM 8 PM TO 12 MIDNIGHT. HE HAS REPORTEDLY INDICATED THAT HE KNOWS THE IDENTITY OF CAPTAIN MIDNIGHT. [redacted] IS ALSO SCHEDULED TO TESTIFY BEFORE THE WIRTH COMMITTEE ON CAPITOL HILL ON 5/21/86 REGARDING PRIVACY IN COMMUNICATIONS.

NN

FOR INFORMATION OF SEATTLE, FM AMERICA IS A SATELLITE TALK SHOW HOSTED BY [redacted] AN [redacted] AND ORIGINATES IN SALT LAKE CITY, UTAH. IT IS BROADCAST OVER TELESTAR 303 TRANSPONDER 18, 62 AUDIO. b6 b7C

LEADS:

DALLAS AT DALLAS:

1. WILL CONTACT [redacted] FCC, DALLAS AND OBTAIN ALL INFORMATION REGARDING TELEPHONE VOICE RETRIEVAL SERVICE IN DALLAS.

2. WILL LOCATE SUBSCRIBER TO 214-733-5162 AND INTERVIEW SAME REGARDING ANY KNOWLEDGE OF A CAPTAIN MIDNIGHT AND OBTAIN INFORMATION REGARDING RETRIEVAL SERVICE.

SEATTLE AT SEATTLE:

WILL CONTACT LOCAL FCC OFFICE IN SEATTLE AND OBTAIN ANY INFORMATION REGARDING COMPLAINTS AGAINST [redacted] [redacted] FOR INTERFERING WITH COMMUNICATIONS IN THE SEATTLE AREA. b6 b7C

NEW YORK AT NEW YORK:

WILL ADVISE EITHER WFO OR SALT LAKE TO CONDUCT

INTERVIEW OF [redacted] REGARDING ANY KNOWLEDGE OF b6 b7C

CAPTAIN MIDNIGHT. NO LEAD BEING SET RE INTERVIEW OF

[redacted] AT THIS TIME UNTIL INFORMATION IS RECEIVED FROM

DALLAS AND SEATTLE.

BT

#0031

NNNN

----------END OF DOCUMENT----------

Frequency allocations and radio treaty matters—General rules and regulations, see 47 CFR 2.1 et seq.

Radio broadcast services, see 47 CFR 73.1 et seq.

Stations on land in the maritime services and Alaska—public fixed stations, see 47 CFR 81.1 et seq.

Stations on shipboard in the maritime services, see 47 CFR 83.1 et seq.

§ 603. Employees; records; property; appropriations; transfer

[See main volume for text of (a) and (b)]

(c) All appropriations and unexpended balances of appropriations available for expenditure by the Federal Radio Commission shall be available for expenditure by the Commission for any and all objects of expenditure authorized by this chapter in the discretion of the Commission, without regard to the requirement of apportionment under subchapter II of chapter 15 of Title 31.

(June 19, 1934, c. 652, Title VII, § 703, formerly Title VI, § 603, 48 Stat. 1102, as amended Sept. 13, 1982, Pub. L. 97–258, § 4(b), 96 Stat. 1067, and renumbered Oct. 30, 1984, Pub. L. 98–549, § 6(a), 98 Stat. 2804.)

Codification. In subsec. (c), "subchapter II of chapter 15 of Title 31" was substituted for "the Antideficiency Act of February 27, 1906 [31 U.S.C. 665]" on authority of Pub.L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Code of Federal Regulations

Amateur radio services, see 47 CFR 97.1 et seq.

Aviation services, see 47 CFR 87.1 et seq.

Disaster communications services, see 47 CFR 99.1 et seq.

Stations on land in the maritime services and Alaska—public fixed stations, see 47 CFR 81.1 et seq.

Stations on shipboard in the maritime services, see 47 CFR 83.1 et seq.

§ 604. Same; effect of transfer; pending suits

Codification. Act June 19, 1934, c. 652, Title VI, § 604, 48 Stat. 1103, was renumbered Act June 19, 1934, c. 652, Title VII, § 704, 48 Stat. 1103, by Pub. L. 98–549, § 6(a), Oct. 30, 1984, 98 Stat. 2804.

Code of Federal Regulations

Amateur radio services, see 47 CFR 97.1 et seq.

Aviation services, see 47 CFR 87.1 et seq.

Disaster communication services, see 47 CFR 99.1 et seq.

Stations on land in the maritime services and Alaska—public fixed stations, see 47 CFR 81.1 et seq.

Stations on shipboard in the maritime services, see 47 CFR 83.1 et seq.

§ 605. Unauthorized publication or use of communications

(a) Practices prohibited

Except as authorized by chapter 119, Title 18, no person receiving, assisting in receiving, transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, (1) to any person other than the addressee, his agent, or attorney, (2) to a person employed or authorized to forward such communication to its destination, (3) to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, (4) to the master of a ship under whom he is serving, (5) in response to a subpena issued by a court of competent jurisdiction, or (6) on demand of other lawful authority. No person not being authorized by the sender shall intercept any radio communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person. No person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by radio and use such communication (or any information therein contained) for his own benefit or for the benefit of another not entitled thereto. No person having received any intercepted radio communication or having become acquainted with the contents, substance, purport, effect, or meaning of such communication (or any part thereof) knowing that such communication was intercepted, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of such communication (or any part thereof) or use such communication (or any information therein contained) for his own benefit or for the benefit of another not entitled thereto. This

section shall not apply to the receiving, divu
contents of any radio communication which is tr
of the general public, which relates to ships, airc
or which is transmitted by an amateur radio st
radio operator.

(b) Exceptions

The provisions of subsection (a) of this sectio
or receipt by any individual, or the assisting (i
such interception or receipt, of any satellite ca
if—

(1) the programming involved is not en
(2)(A) a marketing system is not establ
(i) an agent or agents have been la
authorizing private viewing by individ
(ii) such authorization is available
appropriate agent or agents; or
(B) a marketing system described in su
individuals receiving such programming
viewing under that system.

(c) Definitions

For purposes of this section—

(1) the term "satellite cable programm
is transmitted via satellite and which is p
by cable operators for their retransmissi
(2) the term "agent", with respect to
such person;
(3) the term "encrypt", when used w
ming, means to transmit such programm
visual characteristics (or both) are mo
preventing the unauthorized receipt of
authorized equipment which is designed
cation or alteration;
(4) the term "private viewing" mea
individual's dwelling unit by means of
individual, capable of receiving satelli
satellite; and
(5) the term "private financial gain"
any individual for the private use in
programming for which the individual
use.

(d) Penalties; civil actions; remedies; attorney regulation by State and local authorities

(1) Any person who willfully violates su
not more then $1,000 or imprisoned for no

(2) Any person who violates subsectio
purposes of direct or indirect commercial a
fined not more than $25,000 or imprisoned
first such conviction and shall be fined not
more than 2 years, or both, for any subse

(3)(A) Any person aggrieved by any vio
bring a civil action in a United States
competent jurisdiction.

(B) The court may—
(i) grant temporary and final inj
reasonable to prevent or restrain vi
(ii) award damages as described i
(iii) direct the recovery of full c
neys' fees to an aggrieved party wh

192B-260-18
SEARCHED INDEXED
SERIALIZED FILED
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b7C
MAY 15 1986
FBI - NEW YORK

ity mat- 47 CFR
Stations on land in the maritime services and Alaska—public fixed stations, see 47 CFR 81.1 et seq.
73.1 et
Stations on shipboard in the maritime services, see 47 CFR 83.1 et seq.

perty; appropriations; transfer

olume for text of (a) and (b)]

xpended balances of appropriations available for Commission shall be available for expenditure by ojects of expenditure authorized by this chapter in without regard to the requirement of apportion- ter 15 of Title 31.

formerly Title VI, § 603, 48 Stat. 1102, as amended Sept. at. 1067, and renumbered Oct. 30, 1984, Pub. L. 98-549,

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Aviation services, see 47 CFR 87.1 et seq.
Disaster communications services, see 47 CFR 99.1 et seq.
Stations on land in the maritime services and Alaska—public fixed stations, see 47 CFR 81.1 et seq.
Stations on shipboard in the maritime services, see 47 CFR 83.1 et seq.

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Aviation services, see 47 CFR 87.1 et seq.
Disaster communication services, see 47 CFR 99.1 et seq.
Stations on land in the maritime services and Alaska—public fixed stations, see 47 CFR 81.1 et seq.
Stations on shipboard in the maritime services, see 47 CFR 83.1 et seq.

or use of communications

119, Title 18, no person receiving, assisting in in transmitting, any interstate or foreign com- ivulge or publish the existence, contents, sub- hereof, except through authorized channels of person other than the addressee, his agent, or authorized to forward such communication to nting or distributing officers of the various he communication may be passed, (4) to the rving, (5) in response to a subpena issued by a 6) on demand of other lawful authority. No ender shall intercept any radio communication ontents, substance, purport, effect, or meaning o any person. No person not being entitled iving any interstate or foreign communication (or any information therein contained) for his other not entitled thereto. No person having nication or having become acquainted with the r meaning of such communication (or any part ation was intercepted, shall divulge or publish rport, effect, or meaning of such communica- h communication (or any information therein e benefit of another not entitled thereto. This

section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication which is transmitted by any station for the use of the general public, which relates to ships, aircraft, vehicles, or persons in distress, or which is transmitted by an amateur radio station operator or by a citizens band radio operator.

(b) Exceptions

The provisions of subsection (a) of this section shall not apply to the interception or receipt by any individual, or the assisting (including the manufacture or sale) of such interception or receipt, of any satellite cable programming for private viewing if—

(1) the programming involved is not encrypted; and

(2)(A) a marketing system is not established under which—

(i) an agent or agents have been lawfully designated for the purpose of authorizing private viewing by individuals, and

(ii) such authorization is available to the individual involved from the appropriate agent or agents; or

(B) a marketing system described in subparagraph (A) is established and the individuals receiving such programming has obtained authorization for private viewing under that system.

(c) Definitions

For purposes of this section—

(1) the term "satellite cable programming" means video programming which is transmitted via satellite and which is primarily intended for the direct receipt by cable operators for their retransmission to cable subscribers;

(2) the term "agent", with respect to any person, includes an employee of such person;

(3) the term "encrypt", when used with respect to satellite cable programming, means to transmit such programming in a form whereby the aural and visual characteristics (or both) are modified or altered for the purpose of preventing the unauthorized receipt of such programming by persons without authorized equipment which is designed to eliminate the effects of such modification or alteration;

(4) the term "private viewing" means the viewing for private use in an individual's dwelling unit by means of equipment, owned or operated by such individual, capable of receiving satellite cable programming directly from a satellite; and

(5) the term "private financial gain" shall not include the gain resulting to any individual for the private use in such individual's dwelling unit of any programming for which the individual has not obtained authorization for that use.

(d) Penalties; civil actions; remedies; attorney's fees and costs; computation of damages; regulation by State and local authorities

(1) Any person who willfully violates subsection (a) of this section shall be fined not more then $1,000 or imprisoned for not more than 6 months, or both.

(2) Any person who violates subsection (a) of this section willfully and for purposes of direct or indirect commercial advantage or private financial gain shall be fined not more than $25,000 or imprisoned for not more than 1 year, or both, for the first such conviction and shall be fined not more than $50,000 or imprisoned for not more than 2 years, or both, for any subsequent conviction.

(3)(A) Any person aggrieved by any violation of subsection (a) of this section may bring a civil action in a United States district court or in any other court of competent jurisdiction.

(B) The court may—

(i) grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of subsection (a) of this section;

(ii) award damages as described in subparagraph (C); and

(iii) direct the recovery of full costs, including awarding reasonable attorneys' fees to an aggrieved party who prevails.

(C)(i) Damages awarded by any court under this section shall be computed, at the election of the aggrieved party, in accordance with either of the following subclauses;

(I) the party aggrieved may recover the actual damages suffered by him as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages; in determining the violator's profits, the party aggrieved shall be required to prove only the violator's gross revenue, and the violator shall be required to prove his deductible expenses and the elements of profit attributable to factors other than the violation; or

(II) the party aggrieved may recover an award of statutory damages for each violation involved in the action in a sum of not less than $250 or more than $10,000, as the court considers just.

(ii) In any case in which the court finds that the violation was committed willfully and for purposes of direct or indirect commercial advantage or private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory, by an amount of not more than $50,000.

(iii) In any case where the court finds that the violator was not aware and had no reason to believe that his acts constituted a violation of this section, the court in its discretion may reduce the award of damages to a sum of not less than $100.

(4) The importation, manufacture, sale, or distribution of equipment by any person with the intent of its use to assist in any activity prohibited by subsection (a) of this section shall be subject to penalties and remedies under this subsection to the same extent and in the same manner as a person who has engaged in such prohibited activity.

(5) The penalties under this subsection shall be in addition to those prescribed under any other provision of this subchapter.

(6) Nothing in this subsection shall prevent any State, or political subdivision thereof, from enacting or enforcing any laws with respect to the importation, sale, manufacture, or distribution of equipment by any person with the intent of its use to assist in the interception or receipt of radio communications prohibited by subsection (a) of this section.

(e) Rights, obligations and liabilities under other laws unaffected

Nothing in this section shall affect any right, obligation, or liability under Title 17, any rule, regulation, or order thereunder, or any other applicable Federal, State or local law.

(June 19, 1934, c. 652, Title VII, § 705, formerly Title VI, § 605, 48 Stat. 1103; June 19, 1968, Pub. L. 90-351, Title III, § 803, 82 Stat. 223; Sept. 13, 1982, Pub. L. 97-259, Title I, § 126, 96 Stat. 1099; renumbered and amended Oct. 30, 1984, Pub. L. 98-549, §§ 5(a), 6(a), 98 Stat. 2802, 2804.)

1984 Amendment. Subsec. (a). Pub. L. 98-549, designated existing provisions as subsec. (a).

Subsecs. (b) to (e). Pub. L. 98-549, added subsecs. (b) to (e).

1982 Amendment. Pub. L. 97-259 struck out "broadcast or" after "communication which is", substituted "any station" for "amateurs or others" after "transmitted by", struck out "or" before "general public,", added ", aircraft, vehicles, or persons" after "ships", and ", or which is transmitted by an amateur radio station operator or by a citizens band radio operator" after "in distress".

1968 Amendment. Pub.L. 90-351 inserted the introductory clause "Except as authorized by chapter 119, Title 18", designated existing provisions as cls. (1) to (6), inserted "radio" preceding "communication" in second and fourth sentences, eliminated from third sentence "wire or" preceding "radio", and substituted "intercepted" for "obtained" in fourth sentence.

Effective Date of 1984 Amendment. Section 5(b) of Pub.L. 98-549 provided that: "The amendments made by subsection (a) [amending this section] shall take effect on the effective date of this Act." For the effective date of this Act, see section 9(a) of Pub.L. 98-549, set out as a note under section 521 of this title.

Amendment by Pub. L. 98-549 to take effect 60 days after Oct. 30, 1984, except where otherwise expressly provided, see section 9(a) of Pub. L. 98-549, set out as a note under section 521 of this title.

Legislative History. For legislative history and purpose of Pub.L. 90-351, see 1968 U.S.Code Cong. and Adm.News, p. 2112. See, also, Pub. L. 97-259, 1982 U.S. Code Cong. and Adm. News, p. 1087. Pub. L. 98-549, 1984 U.S. Code Cong. and Adm.News, p. 4655.

Federal Practice & Procedure

Admissible or inadmissible evidence, see Wright & Graham: Evidence § 5191 et seq.

Explicit exception for disclosure in response to judicial subpoena, see Wright & Graham: Evidence § 5437.

Prohibition of interception and divulgence of communications by any person not authorized by sender, see Wright: Criminal 2d § 665.

West's Federal Forms

Indictment—unauthorized publication of communications, see § 7150.

Order authorizing installation of pen register, see § 7754 Comment.

Code of Federal Regulations

Amateur radio services, see 47 CFR 97.1 et seq.

Aviation services, see 47 CFR 87.1 et seq.

Disaster communication services, see 47 CFR 99.1 et seq.

Stations on land in the maritime services and Alaska—public fixed stations, see 47 CFR 81.1 et seq.

Stations on shipboard in the maritime services, see 47 CFR 83.1 et seq.

Law Review Commentaries

Communications Act section 605: Teaching salty old sea dog new tricks. Richard L. Brown and Lauritz S. Helland, 34 Catholic U.L.Rev. 635 (1985).

Library References

Telecommunications ⇐157, 163, 439, 496.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 122, 131, 155, 287, 288, 294, 316.

Notes of Decisions

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1. Constitutionality

Action of internal revenue agents in answering telephones during search of apartment of defendants subsequently charged with willful failure to pay special occupational taxes on wagering was not violation of U.S.C.A.Const. Amends. 4 and 5. U.S. v. Pasha, C.A.Ill.1964, 332 F.2d 193.

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those already existing at common law or by statute. Curran v. Mackay Radio & Tel. Co., D.C.N.Y.1954, 123 F.Supp. 88.

2. Actions at law

An employee of a common carrier of communications does not have an action at law under this chapter for injuries sustained as result of defective appliances installed or used by the common carrier in violation of the provisions of this chapter. Curran v. Mackay Radio & Tel. Co., D.C.N.Y.1954, 123 F.Supp. 88.

rs for recovery of their lawful
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of limitation shall be extended
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tion, be deemed to accrue upon
by the carrier, and not after.

of an order of the Commission
led in the district court or the
late of the order, and not after.

(g) The term "overcharges" as used in this section shall be deemed to mean charges for services in excess of those applicable thereto under the schedules of charges lawfully on file with the Commission. June 19, 1934, c. 652, Title IV, § 415, 48 Stat. 1099.

Notes of Decisions

1. Provisions in form

Where telegraph message was unrepeated and loss resulted from mistake in transmission in interstate commerce of telegraphic money order as to name of payee, telegraph company's liability was limited by provisions in form for telegraph messages as approved by the Interstate Commerce Commission, and failure of sender to file claim within 60 days after message was filed for transmission as stipulated in the form, precluded any recovery, notwithstanding fact that neither telegraph company nor sender was aware of mistake until after expiration of 60 day period. Shows v. W. U. Tel. Co., D.C.La.1952, 105 F.Supp. 498.

§ 416. Orders of Commission; service; suspension or modification; compliance

(a) Every order of the Commission shall be forthwith served upon the designated agent of the carrier in the city of Washington or in such other manner as may be provided by law.

(b) Except as otherwise provided in this chapter, the Commission is authorized to suspend or modify its orders upon such notice and in such manner as it shall deem proper.

(c) It shall be the duty of every person, its agents and employees, and any receiver or trustee thereof, to observe and comply with such orders so long as the same shall remain in effect. June 19, 1934, c. 652, Title IV, § 416, 48 Stat. 1100.

SUBCHAPTER V. PENAL PROVISIONS; FORFEITURES

§ 501. General penalty

Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this chapter prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this chapter required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided in this chapter, by a fine of not more than $10,000 or by imprisonment for a term not exceeding one year, or both; except that any person, having been once convicted of an offense punishable under this section, who is subsequently convicted of violating any provision of this chapter punishable under this section, shall be punished by a fine of not more than $10,000 or by imprisonment for a term not exceeding

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two years, or both. June 19, 1934, c. 652, Title V, § 501, 48 Stat. 1100; Mar. 23, 1954, c. 104, 68 Stat. 30.

Historical Note

1954 Amendment. Act Mar. 23, 1954 provided that any offense punishable hereunder, except a second or subsequent offense, should constitute a misdemeanor rather that a felony, as those terms are defined in section 1 of Title 18, Crimes and Criminal Procedure.

Legislative History: For legislative history and purpose of Act Mar. 23, 1954, see 1954 U.S.Code Cong. and Adm.News, p. 2090.

Cross References

Broadcasting lottery information, see section 1304 of Title 18, Crimes and Criminal Procedure.

Broadcasting obscene language, see section 1464 of Title 18.

Felony and misdemeanor defined, see section 1 of Title 18.

Fraud by wire, radio, or television, see section 1343 of Title 18.

Malicious mischief respecting communication lines, stations or systems, see section 1362 of Title 18.

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Purpose 1
Strike as offense 5
Weight and sufficiency of evidence 11
Willfully and knowingly 3

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1. Purpose

This section intends to punish the unauthorized interception and publication of telephone communications, and if one person deliberately procures the interception of a communication to others and divulges and publishes the communication so procured, that person is guilty under this section. Massicot v. U. S., C.A.La.1958, 254 F.2d 58, certiorari denied 79 S.Ct. 23, 358 U.S. 816, 3 L.Ed.2d 58.

2. Generally

Broadcasting and television are entitled to the protection of U.S.C.A.Const. Amend. 1, guaranteeing freedom of speech and of the press, but such guarantee does not shield them from the application of criminal laws designed for the protection of the general public including section 1304 of Title 18, prohibiting broadcasting of lottery information. American Broadcasting Co. v. U. S., D.C.N.Y.1953, 110 F.Supp. 374, affirmed 74 S.Ct. 593, 347 U.S. 284, 98 L.Ed. 699.

Any broadcasting station might with impunity operate at hours and with powers other than fixed in its license, subject only to regulations 12 and 13 of former section 54 of this title, and to penalties against malicious interference contained in former section 55 of this title. 1926, 35 Op.Atty.Gen. 126.

3. Willfully and knowingly

Even if defendant had no idea he was violating federal law when he installed a wiretapping apparatus on telephone line of a client's wife, he nevertheless was guilty of violation of this section imposing a penalty on a person who willfully and knowingly does any act declared to be unlawful under this chapter, since this section does not require that a defendant realize his conduct was unlawful, but a violation occurs if a defendant knew what he was doing, and what he did was a violation of this chapter, and he intended to do what he did. U. S. v. Gris, C.A.N.Y.1957, 247 F.2d 860.

This chapter condemns as a misdemeanor only knowing and wilful viola-

tion of provision forbidding unau interception and divulgence of c cations and not the mere doing act prohibited thereby. Pugach D.C.N.Y.1961, 193 F.Supp. 630.

The words "willfully and kno as used in this section imposing ality on any person who willfu knowingly does things in contr of this chapter mean the pu and deliberate failure to compl the licensing provisions of this U. S. v. Betteridge, D.C.Ohio 1942 Supp. 53.

4. Operation without license

Warrant charging defendant wit ating apparatus for transmission terstate communications by radio out license was sufficient; terms ratus" and "station" being interc able within former section 113 of tle. U. S. v. Splane, D.C.N.Y.1933 Supp. 685.

A license had to be obtained b broadcasting station might be la operated, and the penalties of section 51 of this title might be i upon any person or corporation w erated such a station without a l 1926, 35 Op.Atty.Gen. 126.

5. Strike as offense

Failure of employer, engaged i transmission of international radio munications and licensed under this ter to perform obligations prescrib section 201 of this title was not a b of such obligations where failure caused by economic strike of empl and therefore, the strike was not on theory that it caused employ breach the obligations. N. L. R. Globe Wireless, C.A.9, 1951, 193 F.2

6. Arrest

Officers who through mechanical ratus located unlicensed radio st who heard messages through dete instrument and who saw at indi location person wearing ear phones parently operating radio set, were j fied in arresting such person for v ing radio law. United States v. Har D.C.Me.1934, 7 F.Supp. 305.

7. Indictment

Indictment charging, substantially statutory language, that defendant lawfully, willfully and knowingly did and operate certain apparatus for t

which regulates the rates, terms, and conditions for pole attach-
fy to the Commission that—
ılates such rates, terms, and conditions; and
regulating such rates, terms, and conditions, the State has the
consider and does consider the interests of the subscribers of cable
rvices, as well as the interests of the consumers of the utility

es of this subsection, a State shall not be considered to regulate the
conditions for pole attachments—
the State has issued and made effective rules and regulations
the State's regulatory authority over pole attachments; and
spect to any individual matter, unless the State takes final action
ıt regarding such matter—
hin 180 days after the complaint is filed with the State, or
thin the applicable period prescribed for such final action in such
l regulations of the State, if the prescribed period does not extend
60 days after the filing of such complaint.

of just and reasonable rates; definition

s of subsection (b) of this section, a rate is just and reasonable if it
he recovery of not less than the additional costs of providing pole
more than an amount determined by multiplying the percentage of
ıace, or the percentage of the total duct or conduit capacity, which
pole attachment by the sum of the operating expenses and actual
ıe utility attributable to the entire pole, duct, conduit, or right-of-

his subsection, the term "usable space" means the space above the
evel which can be used for the attachment of wires, cables, and
ent.

2, Title II, § 224, as added Feb. 21, 1978, Pub.L. 95-234, § 6, 92 Stat. 35;
. 97-259, Title I, § 106, 96 Stat. 1091; Oct. 30, 1984, Pub.L. 98-549, § 4, 98

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which had provided that,
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as a note under section 152

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-234, see 1978 U.S.Code
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State regulation or control 3

1. Retroactive application

Provisions of 1978 amendments to this section placing exclusive jurisdiction over pole attachment disputes in Commission, unless state certified that it regulated pole attachment rates, did not apply retroactively so as to affect jurisdiction of circuit court to determine amount of any pole rental fees that accrued before amendments took effect. Consumers Power Co. v. Telesystems, Inc., Mich.App.1980, 292 N.W.2d 472.

2. Authority to regulate

Determinations of Commission that a cable television (CATV) system should be regarded as occupying one foot of the usable space on utility poles, that capital costs should be assessed whenever possible on the basis of historical costs rather than replacement costs, and that subsec. (b)(1) of this section should apply prospectively to all pole attachments, including those arranged pursuant to contracts made before enactment, fell within statutory prerogative of Commission to "regulate the rates, terms, and conditions for pole attachments to provide that such rates, terms, and conditions are just and reasonable" and were neither arbitrary nor capricious. Monongahela Power Co. v. F.C.C., 1981, 655 F.2d 1254, 211 U.S.App.D.C. 24.

Public Utilities Commission had no authority to consider the interests of cable television subscribers within the meaning of the federal statute giving the Federal Communications Commission authority to regulate the rates, terms and conditions of pole attachments, and thus the Public Utilities Commission had no authority to regulate the rates, terms and conditions for attachments made by cable television companies to poles owned or controlled by public utilities. Appeal of New England Cable Television Ass'n, 1985, 489 A.2d 124, 126 N.H. 149.

Public Service Commission, as matter of law, did not have authority to prospectively regulate the rates, terms, and conditions of cable television pole attachments to facilities of regulated telephone and electric utilities in the state since there were no statutory provisions that explicitly empowered Commission to regulate rates or charges received by utilities for ancillary or miscellaneous business activities that were unrelated to production and delivery of services, there was no finding that any particular practice, act, or service currently employed was unsafe and Commission's approval of incidental leases of utility property was not required when operation of utility was to remain in the control of the utility-lessor. Illinois-Indiana Cable Television Ass'n, Inc. v. Public Service Commission of State of Ind., Ind.App. 1981, 427 N.E.2d 1100.

Corporation commission was authorized to regulate provision of utility pole attachments by telephone companies to cable television systems. Matter of Regulation of Rates, Terms and Conditions for Provision of Pole Attachment Space to Cable Television Systems By Telephone Companies, 1985, 699 P.2d 1072, 102 N.M. 720.

Corporation Commission lacks the authority required under federal and state law to displace the jurisdiction of the Federal Communications Commission over cable television pole attachment agreements. American Cable Television, Inc. v. Arizona Public Service Co., 1983, 693 P.2d 928, 143 Ariz. 273.

Public Service Commission does not have authority to regulate "pole attachment" agreements, that is, lease agreements between utilities and cable television companies which authorize the latter to use excessive space on utility poles for purpose of providing their customers cable television service, nor does Commission have authority to consider interests of cable television subscribers. Teleprompter Corp. v. Hawkins, Fla.1980, 384 So.2d 648.

3. State regulation or control

Section of Utah Public Utilities Act, U.C.A. 1953, 54-4-13(2), expressly governs utility pole attachment contracts, and gives State Public Service Commission jurisdiction over every state pole attachment contract in order for it to determine whether contract interferes with utility service and whether it serves public interest; thus, under this section excluding from Commission jurisdiction cases involving attachment contracts subject to state regulation, Commission was prevented from assuming jurisdiction in case in which cable television corporation sought adjudication concerning permissible rates for cable television attachments to state power and light company utility poles. Utah Cable Television Operators Ass'n, Inc. v. Public Service Com'n of Utah, Utah 1982, 656 P.2d 398.

4. Constitutionality

The Pole Attachments Act [Communications Act of 1934, § 224(d)(1), as amended, 47 U.S.C.A. § 224(d)(1)], which prescribes a binding rule in regard to ascertainment of just compensation to utility companies required to provide pole attachments for cable television companies, violates the Fifth Amendment by failing to allow for judicial determination of what constitutes just compensation. Florida Power Corp. v. F.C.C., C.A.11, 1985, 772 F.2d 1537.

5. Maximum rates

Where Federal Communications Commission, in proceedings on cable television company's challenge to power company's pole attachment rates, purported to determine "maximum rate," pursuant to its standard practice, Court of Appeals would not review FCC determination to determine whether established rates fell within "zone of reasonableness," but would judge validity of order by examining whether FCC in fact calculated maximum statutory rate under applicable law. Alabama Power Co. v. F.C.C., C.A.D.C.1985, 773 F.2d 362.

SUBCHAPTER III—SPECIAL PROVISIONS RELATING TO RADIO

PART I—GENERAL PROVISIONS

§ 301. License for radio communication or transmission of energy

It is the purpose of this chapter, among other things, to maintain the control of the United States over all the channels of radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license. No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio (a) from one place in any State, Territory, or possession of the United States or in the District of Columbia to another place in the same State, Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country or to any vessel; or (d) within any State when the effects of such use extend beyond the borders of said State, or when

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interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications or signals from and/or to places beyond the borders of said State; or (e) upon any vessel or aircraft of the United States (except as provided in section 303(t) of this title); or (f) upon any other mobile stations within the jurisdiction of the United States, except under and in accordance with this chapter and with a license in that behalf granted under the provisions of this chapter.

(As amended Sept. 13, 1982, Pub. L. 97-259, Title I, §§ 107, 111(b), 96 Stat. 1091, 1093.)

1982 Amendment. Pub. L. 97-259 struck out "interstate and foreign" after "channels of", in the first sentence, in cl. (a) of the second sentence substituted "State, Territory," for "Territory" after "from one place in any" and added "State," after "to another place in the same", and, in cl. (e) of the second sentence, added "(except as provided in section 303(t) of this title)" after "United States".

Legislative History. For legislative history and purpose of Pub. L. 97-259, see 1982 U.S. Code Cong. and Adm. News p. 2237.

West's Federal Practice Manual

Federal Communications Commission, see § 3401 et seq.

Code of Federal Regulations

Amateur radio services, see 47 CFR 97.1 et seq.
Aviation services, see 47 CFR 87.1 et seq.
Cable television relay services, see 47 CFR 78.1 et seq.
Cable television service, see 47 CFR 76.1 et seq.
Commission organization—Delegation of authority, see 47 CFR 0.201 et seq.
Construction, marking and lighting of antenna structures, see 47 CFR 17.1 et seq.
Disaster communications services, see 47 CFR 99.1 et seq.
Experimental, auxiliary and other special broadcast and other program distributional services, see 47 CFR 74.11 et seq.
Experimental radio services (other than broadcasting), see 47 CFR 5.1 et seq.
Extension of lines and discontinuance of service by carriers, see 47 CFR 63.01 et seq.
Industrial, scientific and medical equipment, see 47 CFR 18.1 et seq.
International fixed public radiocommunication services, see 47 CFR 23.1 et seq.
Miscellaneous rules relating to common carriers, see 47 CFR 64.1 et seq.
Public mobile radio services, see 47 CFR 22.0 et seq.
Radio broadcast services, see 47 CFR 73.1 et seq.
Radio frequency devices, see 47 CFR 15.1 et seq.
Stations on land in the maritime services and Alaska—public fixed stations, see 47 CFR 81.1 et seq.
Stations on shipboard in the maritime services, see 47 CFR 83.1 et seq.

Library References

Telecommunications ⇐385.
C.J.S. Telegraphs, Telephones, Radio, and Television §§ 302, 316.

Notes of Decisions

Generally 3a
Indictment 13a
Public utility 18
Sufficiency of evidence 15a

1. Constitutionality

Congress has power to grant and deny broadcasting licenses and to delete existing stations. Red Lion Broadcasting Co. v. F.C.C., Dist.Col. 1969, 89 S.Ct. 1794, 395 U.S. 367, 23 L.Ed.2d 371.

This section which prohibits use of airwaves for broadcasting purposes except with specific authorization by the Commission, did not unconstitutionally abridge freedom of speech of founder and directors of unincorporated association professing to adhere to atheistic philosophy. O'Hair v. U.S., D.C.D.C.1968, 281 F.Supp. 815.

2. Purpose

Basic purpose of this chapter is regulation in public interest and not creation of private rights. Daly v. Columbia Broadcasting System, Inc., C.A.Ill.1962, 309 F.2d 83.

Radio transmitter licensing provisions administrative rules of Federal Communications Commission dealing with such matters as frequency to be employed regulate radio transmission in public interest to avoid interference of signals and like conditions and created no right of privacy of telephone user. U.S. v. Borgese, D.C.N.Y.1964, 235 F.Supp. 286.

Purpose of certain specific sections of this subchapter is regulation of radio industry by means of licenses granted in interest of efficiency, order, and regulated competition, thus to protect airwaves in public interest, not to preserve a private right of privacy. U.S. v. Frank, D.C.D.C.1964, 225 F.Supp. 573.

This chapter is a limited scheme for the regulation of radio and television transmission through the licensing of otherwise freely competitive broadcasting stations whose disputes are beyond the powers of the Commission and for which it has no adjudicatory procedures. Cable Vision, Inc. v. KUTV, Inc., D.C.Idaho 1962, 211 F.Supp. 47, vacated and remanded on other grounds 335 F.2d 348, certiorari denied 85 S.Ct. 700, 379 U.S. 989, 13 L.Ed.2d 609.

This chapter was adopted for the purpose of regulating interstate commerce in communications by wire and by radio including television so as to make available as far as possible to all the people, a rapid, efficient nationwide wire and radio communication service with adequate facilities

through Commission to enforce the provisions of this chapter. Id.

3. State regulation

In determining whether a state's jurisdiction to regulate radio advertising has been pre-empted by this chapter, question to be resolved was whether Congress intended to make its jurisdiction exclusive. Head v. New Mexico Bd. of Examiners in Optometry, N.M.1963, 83 S.Ct. 1759, 374 U.S. 424, 10 L.Ed.2d 983.

1953 Comp.N.M. § 67-7-13 proscribing price advertising of eyeglasses by any means whatsoever was not invalid as applied to a radio station on theory that regulation of advertising by radio had been pre-empted by this chapter. Id.

If entire field of television, including community antenna television systems, was within federal preemption, "franchise payment" which ordinance required of grantee of franchise for operation of community antenna television system would be unconstitutional. Dispatch, Inc. v. City of Erie, C.A.Pa.1966, 364 F.2d 539.

Court should take judicial notice of contents of bulletin of Commission and position of Commission in determining issue as to whether federal government has preempted field of community antenna television systems. Id.

Commission's power to grant license to operate radio paging operations did not preempt state regulation of such operations where federal regulations indicated Commission's willingness to work within state regulation and where operation subject to state jurisdiction was involved in totally interstate operation. Illinois Consol. Tel. Co. v. Illinois Commerce Commission, Ill.App.1981, 425 N.E.2d 535, 54 Ill.Dec. 670, 99 Ill.App.3d 462.

Michigan statute, M.C.L.A. § 750.508, proscribing equipping car with radio receiving set capable of receiving police signals is not preempted by federal legislation. People v. Gilbert, 1979, 279 N.W.2d 546, 88 Mich.App. 764, rehearing 287 N.W.2d 220, 93 Mich.App. 321, affirmed 324 N.W.2d 834, 414 Mich. 191.

Commission's exercise of jurisdiction to establish the rights of customers to use and interconnect customer-owned or provided in-house telephone facilities preempts conflicting and inconsistent state regulations. Sherdon v. Dann 1975, 229 N.W.2d 531, 193 Neb. 768.

Congress granted Commission sole and exclusive jurisdiction over interstate and foreign telephone service, including jurisdiction to regulate interconnection of customer-provided equipment with common carrier facilities for interstate and foreign service; however, this chapter reserves to the states jurisdiction over intrastate telephone and telegraph communications. Id.

3a. Generally

People as a whole retain their interests in free speech by radio and their collective right to have medium function consistently with ends and purposes of U.S.C.A.Const. Amend. 1; it is right of viewers and listeners, not right of broadcasters, which is paramount. Red Lion Broadcasting Co. v. F.C.C., Dist.Col.1969, 89 S.Ct. 1794, 395 U.S. 367, 23 L.Ed.2d 371.

Right of public to receive suitable access to social, political, esthetic, moral, and other ideas

and experiences may
abridged either by C

Broadcasting licens
right to hold license o
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Amend. 1, require li
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from air waves. Id.

In conflict of intere
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Guild of America, W
casting Co., Inc., C

Commission can o
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dio, Inc. v. F.C.C.,
App.D.C. 305, certi
412 U.S. 922, 37 L.

The Commission
efficiently licensing
States. Wheeling A
Va.1968, 391 F.2d 1

6. Necessity for lic

Method of regulat
Congress was licens
v. U.S., C.A.Cal. 1
other grounds 88
L.Ed.2d 1001.

8. Free competitio

Commission must
cy favoring compet
cast media. Natior
vision Producers
Communications C
F.2d 249.

10. Mobile statio

Mobile telephon
and there must be
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title. Keith v. Ba
So.2d 728, 251 Mi

Person desiring
system must appl
Commission for a
and permission to
Id.

12. Renewals

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destroyed absent
Citizens Commit
1978, 98 S.Ct. 2
697.

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ould serve the public inter-

)(2) of this section requir-
any divest itself of interna-
its merger, Commission
mitting company to extend
o Hawaii. Western Union
C.A.2, 1976, 544 F.2d 87,
Ct. 299, 434 U.S. 903, 54

ission
mining whether element of
shed, in prosecution for
broadcasting without a
said that a reasonable man
was forbidden to broad-
n" transmitter which had
was licensed to his former
and remained there with
after she left the parties'
, C.A.Ind.1977, 561 F.2d

charging law enforcement
of mobile radio transmit-
department for trans-
ons other than those es-
ctivities of department in
'ederal Communications
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pecific transmittals were
at way they were other
business could not be
ticulars and constituted
I.S. v. Turner, D.C.Tenn.

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of Examiners in Optom-
1759, 374 U.S. 424, 10

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s on the basis of their
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oses served by allowing
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key, Circuit Judge, with
ith opinion.) National
lity Com'rs v. F.C.C.,
U.S.App.D.C. 374.

ad jurisdiction in case
that defendant United
ners were authorized to
quencies and that this
tions imposed upon the
ates Constitution, there-
rights under U.S.C.A.
v. U.S., D.C.D.C.1968,

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been equipped with a
also with a portable
ot been licensed under
inadmissible electronic

recordings of conversations had with such person. Carbo v. U.S., C.A.Cal.1963, 314 F.2d 718, certiorari denied 84 S.Ct. 1625, 1626, 1627, 377 U.S. 953, 12 L.Ed.2d 498, rehearing denied 84 S.Ct. 1902, 1903, 377 U.S. 1010, 12 L.Ed.2d 1058 (2 mems.).

If government agents' use of radio transmitter in picking up and relaying words spoken in telephone booth was violation of administrative rules of Federal Communications Commission, violation was not valid ground of motion to suppress. U.S. v. Borgese, D.C.N.Y.1964, 235 F.Supp. 286.

15a. Sufficiency of evidence

Evidence that defendant's radio transmission was powerful enough to cross state border was sufficient to sustain his conviction for transmitting radio energy without a license, and trial court was not required to instruct jury that government was required to show the signals actually left the state. U. S. v. Brown, C.A.Colo.1981, 661 F.2d 855, certiorari denied 102 S.Ct. 979, 454 U.S. 1127, 71 L.Ed.2d 115.

17. Injunctions

United States and Commission were entitled to an order permanently restraining defendants from operating an unlicensed radio station from a vessel off the New Jersey coast. U.S. v. McIntire, D.C. N.J.1974, 370 F.Supp. 1301.

Overriding national interest in maintaining orderly use of nation's airwaves, as manifested in this chapter, as well as the adverse effects of defendants' unlicensed broadcasts upon the public interest, was such as to render the defense of "unclean hands" unavailable to defendants in action by the United States and the Commission to enjoin defendants from operating an unlicensed radio station from a vessel off the New Jersey coast. Id.

18. Public utility

Services offered by operator of community repeater to Commission—licensed users of business radio service were not those offered for public hire, and thus were not a "public utility" within Code 1972, § 77.3.3 requiring public utilities to obtain certificate of public convenience and necessity from the Mississippi Public Utilities Commission. Motorola Communications and Electronics, Inc. v. Mississippi Public Service Commission, D.C.Miss.1979, 515 F.Supp. 793, affirmed 648 F.2d 1350.

Persons that provide one-way radio paging do not own or operate equipment used "for or in connection with * * * the transmission of telegraph or telephone messages" and, thus, they are not "public utilities" as defined in Ill.Rev.Stat. 1979, ch. 111⅔, par. 10.3(b), and are not within jurisdiction of the Commission. Illinois Consol. Telephone Co. v. Illinois Commerce.Com'n, 1983, 447 N.E.2d 295, 69 Ill.Dec. 78, 95 Ill.2d 142.

Although radio broadcasting station does not constitute "public utility" in the ordinary sense, it is, nevertheless a "public utility" in limited sense impressed with public interest. State ex rel. Pruzan v. Redman, 1962, 374 P.2d 1002, 60 Wash.2d 521.

§ 302a. Devices which interfere with radio reception; regulations; restrictions; exceptions

(a) The Commission may, consistent with the public interest, convenience, and necessity, make reasonable regulations (1) governing the interference potential of devices which in their operation are capable of emitting radio frequency energy by radiation, conduction, or other means in sufficient degree to cause harmful interference to radio communications; and (2) establishing minimum performance standards for home electronic equipment and systems to reduce their susceptibility to interference from radio frequency energy. Such regulations shall be applicable to the manufacture, import, sale, offer for sale, or shipment of such devices and home electronic equipment and systems, and to the use of such devices.

(b) No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.

(c) The provisions of this section shall not be applicable to carriers transporting such devices or home electronic equipment and systems without trading in them, to devices or home electronic equipment and systems manufactured solely for export, to the manufacture, assembly, or installation of devices or home electronic equipment and systems for its own use by a public utility engaged in providing electric service, or to devices or home electronic equipment and systems for use by the Government of the United States or any agency thereof. Devices and home electronic equipment and systems for use by the Government of the United States or any agency thereof shall be developed, procured, or otherwise acquired, including offshore procurement, under United States Government criteria, standards, or specifications designed to achieve the objectives of reducing interference to radio reception and to home electronic equipment and systems, taking into account the unique needs of national defense and security.

(June 19, 1934, c. 652, Title III, § 302, as added July 5, 1968, Pub.L. 90-379, 82 Stat. 290; Sept. 13, 1982, Pub. L. 97-259, Title I, § 108(a), 96 Stat. 1091.)

1982 Amendment. Subsec. (a). Pub. L. 97-259, § 108(a)(1), (2), added "(1)" after "regulations" and "; and (2) establishing minimum performance for home electronic equipment and systems to reduce their susceptibility to interference from radio frequency energy" after "radio communications", and substituted "or shipment of such devices and home electronic equipment and systems, and to the use of such devices" for "shipment, or use of such devices" after "offer for sale,".

Subsec. (b). Pub. L. 97-259, § 108(a)(3), substituted "or ship devices or home electronic equipment and systems, or use devices," for "ship, or use devices" after "offer for sale,".

Subsec. (c). Pub. L. 97-259, § 108(a)(4), added "or home electronic equipment and systems" after "devices" wherever appearing in the first sentence, added "and home electronic equipment and systems" after "Devices", substituted "objectives" for "common objective" after "to achieve the", and added "and to home electronic equipment and systems" after "reception".

Minimum Performance Standards; Home Electronic Equipment and systems Manufactured Before September 13, 1982. Section 108(b) of Pub. L. 97-259 provided that: "Any minimum performance standard established by the Federal Communications Commission under section 302(a)(2) of the Communications Act of 1934 [subsec. (a)(2) of this section], as added by the amendment made in subsection (a)(1), shall not apply to any home electronic equipment or systems manufactured before the date of the enactment of this Act [Sept. 13, 1982]."

Legislative History. For legislative history and purpose of Pub.L. 90-379, see 1968 U.S.Code Cong. and Adm.News, p. 2486; Pub. L. 97-259, see 1982 U.S. Code Cong. and Adm. News, p. 2237.

Code of Federal Regulations

Amateur radio services, see 47 CFR 97.1 et seq.

Aviation services, see 47 CFR 87.1 et seq.

Disaster communications services, see 47 CFR 99.1 et seq.

Stations on land in the maritime services and Alaska—public fixed stations, see 47 CFR 81.1 et seq.

Stations on shipboard in the maritime services, see 47 CFR 83.1 et seq.

Library References

Telecommunications ⇐385, 392.

C.J.S. Telegraphs, Telephones, Radio, and Television §§ 302 et seq., 316.

Notes of Decisions

Generally 1
Intent 4
Rules and regulations 2
Subscription television 3

1. Generally

Under provision of this section authorizing Commission to make "reasonable regulations governing the interference potential" of radio devices, the word "reasonable" was nothing more than mere surplusage, for it could not be assumed that Congress would ever intend anything other than

CHAPTER 65—MALICIOUS MISCHIEF

Sec.
1361. Government property or contracts.
1362. Communication lines, stations or systems.
1363. Buildings or property within special maritime and territorial jurisdiction.
1364. Interference with foreign commerce by violence.
1365. Tampering with consumer products.
1365.[1] Destruction of an energy facility.

[1] So in original. Two sections 1365 have been enacted.

Savings Provisions of Pub.L. 98–473, Title II, c. II. See section 235 of Pub.L. 98–473, Title II, c. II, Oct. 12, 1984, 98 Stat. 2031, set out as a note under section 3551 of this title.

however, are retained in that part of said section 82 which is now section 641 of this title.

Minor changes were made in phraseology.

§ 1362. Communication lines, stations or systems

Whoever willfully or maliciously injures or destroys any of the works, property, or material of any radio, telegraph, telephone or cable, line, station, or system, or other means of communication, operated or controlled by the United States, or used or intended to be used for military or civil defense functions of the United States, whether constructed or in process of construction, or willfully or maliciously interferes in any way with the working or use of any such line, or system, or willfully or maliciously obstructs, hinders, or delays the transmission of any communication over any such line, or system, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

In the case of any works, property, or material, not operated or controlled by the United States, this section shall not apply to any lawful strike activity, or other lawful concerted activities for the purposes of collective bargaining or other mutual aid and protection which do not injure or destroy any line or system used or intended to be used for the military or civil defense functions of the United States.

(As amended Sept. 26, 1961, Pub.L. 87–306, 75 Stat. 669.)

Historical and Revision Notes

Based on title 18, U.S.C., 1940 ed., § 116 (Mar. 4, 1909, ch. 321, § 60, 35 Stat. 1099).

This section was extended to include radio and radio stations. Minor changes were made in phraseology.

192B-260-116
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MAY 15 1986
FBI — NEW YORK
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192B-260-17

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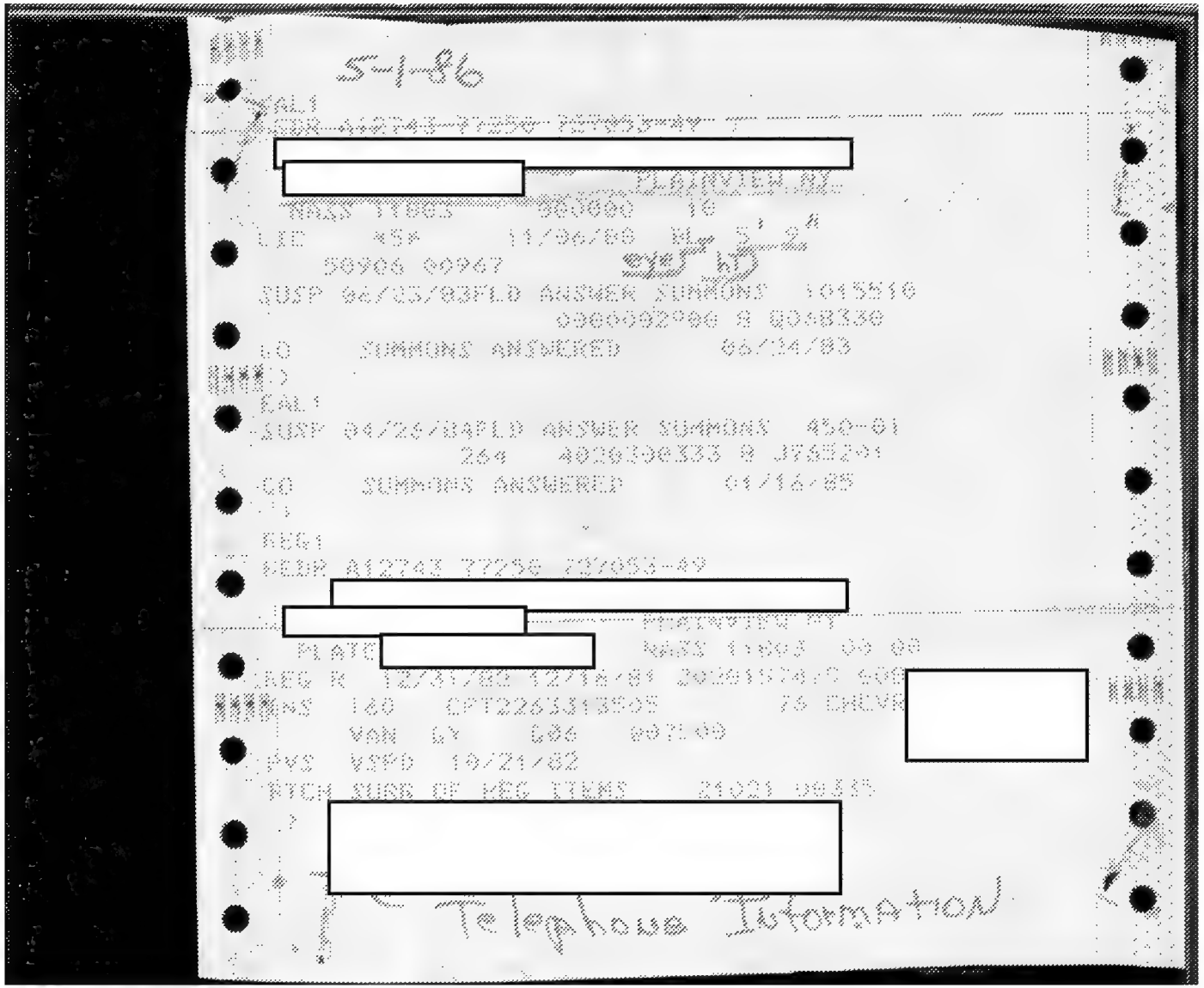
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Telephone Information

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FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☒ AIRTEL

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 5/16/86

TO: DIRECTOR, FBI
(ATTN: CID-PERSONAL
CRIMES UNIT)

FROM: ADIC, NEW YORK (192B-260) (P) (JTF-1)

SUBJECT: UNSUB, aka
Captain Midnight
INTERFERENCE WITH TELEVISION
SIGNAL RECEIVED FROM
SATELLITE, GALAXY 1
4/27/86
HOME BOX OFFICE, INC., aka
HBO - VICTIM
HOBBS ACT - COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATION SYSTEMS
(OO: NY)

ReNYtel to the Bureau, dated 5/2/86.

Enclosed for the Bureau are two (2) sets of seven color photographs, 8"x10", each of the segment of the 4/27/86 HBO broadcast of "the Falcon and the Snowman" reflecting the Captain Midnight interruption, as well as those portions of the movie before and after the interruption.

Enclosed for each office is one 4x5 color photograph of the Captain Midnight interruption.

3-Bureau (Encs. 14)
(1-CID-Personal Crimes Unit)
1-Each Field Office _____ (Enc. 1)
1-New York
[redacted]
3)

b6
b7C

192B-260-18

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

[redacted]

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MAY 16 1986
FBI — NEW YORK

FD-36 (Rev. 5-22-7

FBI

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TELETYPE IMMEDIATE UNCLAS

5/22/86

IMMEDIATE 192B-260
NEW YORK (192-260) (P) (JTF-1)
ROUTINE
DIRECTOR FBI () ()
IMMEDIATE
ALBANY () ()
ROUTINE
NEWARK (192B-182) ()
ATTN: HACKENSACK RA AND FRANKLIN RA
BT
UNCLAS

0208

UNSUB; AKA CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE GALAXY ONE, APRIL 27, 1986; HOME BOX OFFICE INCORPORATED AKA HBO-VICTIM; HOBBSACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM; OO: NEW YORK

REFERENCE NEW YORK TELEPHONE CALL TO FRANKLIN RESIDENT AGENCY

1 - New York
1 - Supervisor JTF-1

Correct p2+3

[redacted]

b6
b7C

Approved [redacted] Transmitted 1421 5 Per

192B-260-19

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
MAY 27 1986
FBI — NEW YO [redacted]

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD PROCESSING SUPERVISOR, NOT TO THE T [redacted]

WP Initials: [redacted]

MAY 22, 1986; NEW YORK TELEPHONE CALL TO ALBANY MAY 22, 1986; NEWARK TELETYPE TO THE BUREAU MAY 22, 1986.

PURSUANT TO INFORMATION CONTAINED IN NEWARK TELETYPE TO THE BUREAU MAY 22, 1986, ALBANY IS REQUESTED TO LOCATE AND INTERVIEW

[redacted] b6 b7C b7D

AS PER REFERENCED TELETYPE THE ABOVE INFORMATION WAS PROVIDED BY [redacted] TO [redacted] (PROTECT BY REQUEST) ON SUNDAY EVENING APRIL 27, 1986.

AREAS TO BE COVERED ARE [redacted]

[redacted] b6 b7C b7D

AT THE CONCLUSION OF THE INTERVIEW WILL REQUEST [redacted] TAKE A POLYGRAPH EXAMINATION. WHETHER OR NOT HE ADMITS TO [redacted]

WILL PROVIDE RESULTS TO THE BUREAU, NEWARK, NEW YORK AND ANY ADDITIONAL OFFICES IN WHICH OTHER WITNESSES RESIDE.

NEWARK WILL CONDUCT A COVERT BACKGROUND INVESTIGATION OF [redacted] AND [redacted] WILL NOT INTERVIEW [redacted] UNTIL RESULTS OF INVESTIGATION AT ALBANY DIVISION ARE KNOWN.

SA [redacted] ALBANY

b6
b7C
b7D

[redacted]

ON SUNDAY EVENING, APRIL 27, 1986, [redacted]

[redacted]

12/2

b6
b7C
b7D

LEADS AT NEWARK AND ALBANY ARE BEING LEFT TO THE DISCRETION OF

PAGE FOUR, NK 192E-182, UNCLAS

THE NEW YORK OFFICE WHICH IS OFFICE OF ORIGIN IN THIS MATTER

NEWARK WILL AWAIT LEADS FROM NEW YORK.

BT

----------END OF DOCUMENT----------

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INBOX.5 (#2560)

TO: NY @ SAMNET-EMH, WF @ SAMNET-EMH

FROM: SE @ SAMNET-EMH

SUBJECT: 0004/142 ROUTINE

DATE: 23 MAY 86 02:43:32 EDT

CC:

TEXT:

SEO 0004 1420100Z

RR NY WF

DE SE

R 220248Z MAY 86

FM SEATTLE (192B-105)(RUC)

TO NEW YORK (ROUTINE)

WFO (192-63)(ROUTINE)

BT

UNCLAS

UNSUB; AKA, CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE GALAXY ONE; 4/27/86; HOME BOX OFFICE INCORPORATED (HBO)-VICTIM; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEMS; OO: NEW YORK

RE WFO TELETYPE TO DIRECTOR, DATED MAY 10, 1986.

ON MAY 22, 1986, [redacted] FEDERAL COMMUNICATIONS COMMISSION, BELLEVUE, WASHINGTON, WAS TELEPHONICALLY CONTACTED REGARDING [redacted] HE ADVISED THAT [redacted] HAD NOT BEEN LIVING IN THE AREA FOR SOME TIME AND THAT FCC MAINTAINED NO CURRENT INFORMATION WITHIN THE LAST TEN YEARS REGARDING COMPLAINTS AGAINST [redacted] HE BELIEVED, HOWEVER, THAT [redacted] WAS ALLEGEDLY INVOLVED IN INTERFERENCE WITH HAM RADIO OPERATORS IN THE WASHINGTON AREA IN THE PAST.

b6
b7C

192B-260-21

[redacted]

MAY 28 1986

[redacted]

HE REPORTED, HOWEVER, THAT [redacted] b6 b7C

1919 M STREET NORTHWEST, WASHINGTON, D.C., FTS NUMBER [redacted]

HAD RECENTLY INTERVIEWED [redacted] AND MAY BE ABLE TO PROVIDE

BACKGROUND INFORMATION PERTINENT TO CAPTIONED INVESTIGATION.

AS THERE ARE NO ADDITIONAL LEADS FOR SEATTLE DIVISION AT THIS TIME, SEATTLE DIVISION CONSIDERS THIS MATTER TO BE RUC.

LEADS: WFO DIVISION, AT WASHINGTON, D.C.-WILL CONTACT [redacted] b6 b7C

[redacted] FCC, 1919 M STREET NORTHWEST,

WASHINGTON, D.C., FTS NUMBER [redacted] AND DETERMINE IF HE HAS ANY

PERTINENT INFORMATION REGARDING [redacted] WHICH MIGHT BE

PERTINENT TO CAPTIONED INVESTIGATION.

BT

INBOX.1 (#727)

TO: HQ1 @ SAMNET-EMH, NY @ SAMNET-EMH, NK @ SAMNET-EMH

FROM: AL @ SAMNET-EMH

SUBJECT: 147/0010 IMMEDIATE

DATE: 27 MAY 86 21:19:28 EDT

CC:

TEXT:

AL00010 1472125Z

OO HQ NY NK

DE AL

O 272100Z MAY 86

FM SAC, ALBANY (192B-74) (P)

TO DIRECTOR, FBI (IMMEDIATE)

ADIC, NEW YORK (192B-260) (IMMEDIATE)

SAC, NEWARK (192B-182) (IMMEDIATE)

ATTN: HACKENSACK RA AND FRANKLIN RA

BT

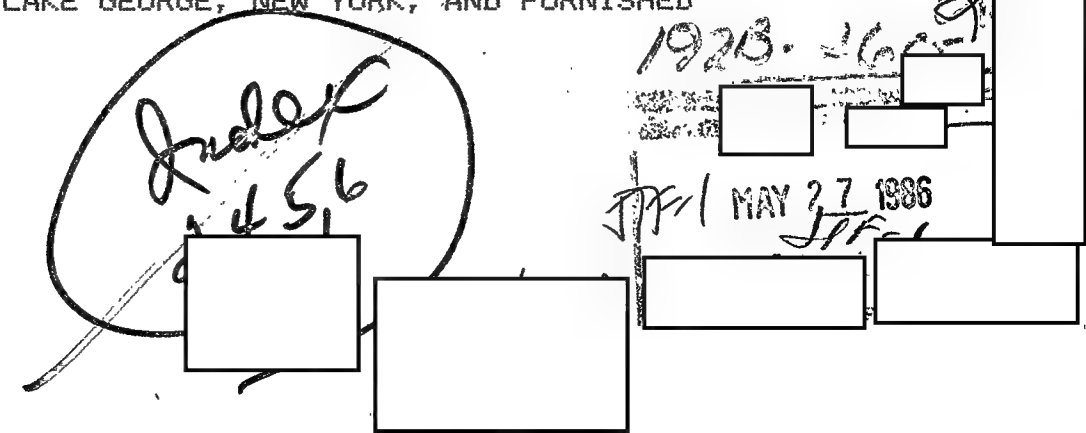
UNCLAS SECTION ONE OF TWO SECTIONS

UNSUB, AKA, CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE GALAXY ONE, APRIL 27, 1986; HOME BOX OFFICE, INC., AKA, HBO-VICTIM; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM; OO: NEW YORK.

RE NEW YORK TELETYPE TO BUREAU, MAY 22, 1986.

ON MAY 23, 1986, [redacted] INTERVIEWED AT WARREN COUNTY MUNICIPAL OFFICE COMPLEX, LAKE GEORGE, NEW YORK, AND FURNISHED

b6
b7C



THE FOLLOWING INFORMATION:

[redacted] FIRST MET [redacted] APPROXIMATELY [redacted] b6 b7C
WHEN [redacted] WAS EMPLOYED WITH [redacted] FAIRFIELD, NEW
JERSEY, AND WAS [redacted]
IN NEW JERSEY. [redacted] COMPANY, [redacted]
[redacted] PISCATAWAY, NEW JERSEY, WAS [redacted]
[redacted]
[redacted] LAST SAW [redacted] APPROXIMATELY [redacted] WHEN
[redacted] LOANED [redacted] ON A HOSPITAL JOB. AT
THE TIME, [redacted] PERSONALLY DROPPED [redacted] OFF IN
PISCATAWAY.

[redacted] ADVISED HE WAS AWARE OF THE INTERFERENCE WITH THE b6 b7C
HOME BOX OFFICE (HBO) BROADCAST AT APPROXIMATELY 1:00 A.M. ON
APRIL 27, 1986. [redacted] ADVED HE SAW THE BROADCAST OCCUR AT
THAT TIME AT [redacted] APARTMENT, [redacted]
LODI, NEW JERSEY, APARTMENT NUMBER [redacted] PRESENT IN THE APARTMENT
WERE [redacted] AND
[redacted] ADVISED HE SAW THE PICTURE

ON THEIR TELEVISION SET GO BLANK, AT THE SAME TIME, BEING REPLACED BY A NOISY COLOR BAR WITH THE MESSAGE, GOOD EVENING, CAPTAIN MIDNIGHT, 12.95, SHOW TIME AND MOVIE CHANNEL BEWARE".

[redacted] DENIED HAVING HAD ANYTHING TO DO WITH THE ILLEGAL TRANSMISSION, AND FURTHER DENIED HAVING BEEN PRESENT AT THE UNKNOWN LOCATION, WHICH HAD BEEN THE SOURCE OF THE SIGNAL. b6 b7C

THE FOLLOWING MONDAY AFTER THE INCIDENT, [redacted] TELEPHONED [redacted] AT [redacted] AND DISCUSSED THE INCIDENT WITH HIM. [redacted] MENTIONED TO [redacted] THAT [redacted] REPLIED THAT HE HEARD IT COULD HAVE BEEN TRANSMITTED FROM SOMEWHERE IN NEW JERSEY OR TEXAS, IN FACT, IT COULD HAVE BEEN TRANSMITTED FROM ANYWHERE. [redacted] WAS CONCERNED THE FEDERAL COMMUNICATIONS COMMISSIN (FCC) COULD FOOT-PRINT THE TRAVELING WAVE TUBE (TWT), PART OF THE UP-LINK EQUIPMENT. [redacted] ADVISED THE FCC HAD A SAMPLE OF ALL FOOTPRINTS FROM ALL TWTS USED IN UP-LINK EQUIPMENT. [redacted] TOLD [redacted] THAN [redacted] THE HBO SIGNAL. [redacted] TRIED TO GET MORE b6 b7C

INFORMATION FROM [redacted] BUT [redacted] STARTED CHANGING THE SUBJECT. b6 b7C

[redacted] ADVISED HE HAD TALKED TO [redacted] TWO TO THREE TIMES SINCE THEN, BUT COULD NOT RECALL ANY FURTHER INFORMATION CONCERNING THE ILLEGAL TRANSMISSION. DURING ONE OF THE SUBSEQUENT CALLS, [redacted] MENTIONED [redacted] WHICH WAS SELLING [redacted] WHICH WOULD DECIPHER HBO'S SCRAMBLING SIGNAL.

[redacted] ADVISED HE PERSONALLY SUSPECTED [redacted] HAVING HAD SOMETHING TO DO WITH THE ILLEGAL TRANSMISSION, SINCE [redacted] WAS ACTIVE IN THE MOVEMENT TO "REFORM COMPANIES" SUCH AS HBO IN ORDER TO REDUCE THEIR FEES TO PERSOS HAVING SATELLITE RECEIVERS.

[redacted] WAS [redacted] b6 b7C

[redacted] MENTIONED THIS SINCE THE ILLEGAL TRANSMISSION WOULD HAVE REQUIRED SOME KIND OF UP-LINK EQUIPMENT [redacted] ADVISED HE DID NOT THINK [redacted] BUT WOULD HAVE BEEN AIDED BY AN ASSOIATE, [redacted] AN EMPLOYEE OF [redacted] IN PARAMUS,

NEW JERSEY, WHO MOONLIGHTED FOR [redacted] b6 b7C

[redacted] SPECULATED THE ILLEGAL TRNSMISSION COULD AVE BEEN SENT BY ANYONE WITH DEMO EQUIPMENT LICENSED TO DO UP-LINK WORK FOR VARIOUS NETWORKS, LOCAL TELEVISION STATIONS, ETC. [redacted] FURTHER OPINED A SIGNAL COULD HAVE BEEN PLACED ON VIDEO TAPE FIRST AND THEN HAVE BEEN TRANSMITTED TO THE SATELLITE. HE SUGGESTED ANY HOME COMPUTER COULD HAVE BEEN USED TO GENERATE THE CHARACTERS. [redacted] ADVISED HE WAS NOT KNOWLEDGABLE OF COLOR BAR EQUIPMENT. [redacted] OPINED A 10 FOOT ANTENA WOULD HAVE BEEN SUFFICIENT TO SEND THE ILLEGAL TRANSMISSION.

[redacted] ADVISED TWO INDIVIDUALS HE KNEW IN THE BUSINESS WHO b6 b7C WERE TECHNICALLY QUALIFIED TO HAVE SENT SUCH A SIGNAL, AND HAD ACCESS TO UP-LINK EQUIPMENT WERE: [redacted] WHO RESIDED IN THE BAHAMAS; AND [redacted] WHO RESIDED IN THE CARRIBEAN.

[redacted] ADVISED HE COULD NT RECALL THE NAME OF THE INDIVIDUAL IN STAMFORD, CONNECTICUT WHO OPERATED THE UP-LINK EQUIPMENT FOR [redacted] BUT HAD THE INFORMATION AT HOME. [redacted] ADVISED IF CONTACTED ON MAY 27, 1986, HE WOULD FURNISH THAT INFORMATION.

[redacted]

25

ON MAY 27, 1986, EFFORTS TO CONTACT [redacted] FOR THIS INFOR- b6 b7C
MATION MET WITH NEGATIVE RESULTS..

[redacted] WHO APPEARED SOMEWHAT NERVOUS, REPEATEDLY HAVING
BEEN INVOLVED IN THE TRANSMISSION OF THE ILLEGAL SIGNAL. [redacted]
VOLUNTEERED TO TAKE A POLYGRAPH EXAMINATION TO SUBSTANTIATE
INFORMATION HE FURNISHED WITHOUT HAVING BEEN PROMPTED BY THE
INTERVIEWERS TO DO SO.

THE FOLLOWING DESCRIPTION OF [redacted] WAS OBTAINED THROUG
OBSERVATION AND INTERVIEW: NAME, [redacted] DOB AND b6 b7C
POB, [redacted] NEW YORK; HEIGHT, 5 FEET 11
INCHES; WEIGHT, 200 POUNDS; HAIR, STRAWBERRY BLOND; MUSTACHE;
EYES, BLUE; WEARS GLASSES; SOCIAL SECURITY ACCOUNT NUMBER, [redacted]
[redacted] PRIOR ARRESTS, NONE AMITTED; OCCUPATION, [redacted]
[redacted] BOLTON
LANDING, NEW YORK [redacted]
ALSO EMPLOYED AS [redacted]
[redacted]

BT

#

----------END OF DOCUMENT----------

-->

INBOX.4 (#730)

TO: HQ1 @ SAMNET-EMH, NY @ SAMNET-EMH, NK @ SAMNET-EMH

FROM: AL @ SAMNET-EMH

SUBJECT: 147/0011 IMMEDIATE

DATE: 27 MAY 86 21:36:04 EDT

CC:

TEXT:

AL00011 1472140Z

OO HQ NY NK

DEAL

O 272100Z MAY 86

FM SAC, ALBANY (192B-74) (P)

TO DIRECTOR, FBI (IMMEDIATE)

ADIC, NEW YORK (192B-260) (IMMEDIATE)

SAC, NEWARK (192B-182) (IMMEDIATE)

ATTN: HACKENSACK RA AND FRANKLIN RA

BT

UNCLAS SECTION TWO OF TWO SECTIONS

UNSUB, AKA, CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE GALAXY ONE, APRIL 27, 1986; HOME BOX OFFICE, INC., AKA, HBO-VICTIM; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM; OO: NEW YORK.

LEADS IN THIS MATTER WILL BE LEFT TO THE DISCRETION OF THE NEW YORK OFFICE, AS WELL AS THE DESIRABILITY OF PROVIDING A

POLYGRAPH EXAMINER TO ALBANY TO TEST [redacted] ALBANY WILL b6 b7C

CONTINUE ITS EFFORTS TO LOCATE [redacted] FOR THE INFORMATION

CONCERNING THE OPERAR OF THE UP-LINK EQUIPMENT IN STAMFORD,

CONNECTICUT.

BT

#

----------END OF DOCUMENT----------

-->

Complaint Form
FD-71 (Rev. 4-16-82)

NOTE: Hand print names legibly; handwriting satisfactory for remainder.
Indices: ☐ Negative ☐ See below

Subject's name and aliases	Character of case
Capt. Midnight	192B - 260
	Complainant ☐ Protect Source [redacted] - Press
	Complaint received ☐ Personal ☒ Telephonic Date 5/28/86 Time 6:07pm
Address of subject	Complainant's address and telephone number Chicago Tribune [redacted]

Subject's Description						
	Race	Sex ☐ Male ☐ Female	Height	Hair	Build	Birth date and Birthplace
	Age		Weight	Eyes	Complexion	Social Security Number
	Scars, marks or other data					

Facts of complaint

Writer was telephonically contacted by complainant, (whom is with the press) [redacted] at approx 6:07pm on Wed. 5/28/86. Complainant stated he recieved a call from a [redacted] (phonetically spld) phone [redacted]; she works for USA Network, She told complainant she recieved an in-depth letter signed by Capt. Midnight - w/ a phone ± 212-246-3811 x179. Complainant stated that USA network told him they were going to turn it over to the FBI & did we know about it!

- copy to SA [redacted]
- copy to Press office.

Do not write in this space

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
MAY 28 1986

Action Recommended

[redacted]

BLOCK STAMP

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 5/28/86

TO: DIRECTOR, FBI
ATTN: CID, PERSONAL CRIMES UNIT, LABORATORY DIVISION
AND IDENTIFICATION DIVISIONS

FROM: SAC, WASHINGTON FIELD OFFICE (192B-63) (P) (C-4)

UNSUB; aka Captain Midnight;-
aka Et Al
Hobbs Act-Commercial Institution;
Interference with Government Communications Systems
OO:New York

Enclosed for the Laboratory and Identification Divisions are two cassette tapes and envelopes received on 5/20/86 by SA [redacted] (WFO) from [redacted] and [redacted] Federal Communications Commission (FCC), 1919 M Street, N.W., Washington, D.C. (WDC). b6 b7C

Re WFO airtel to the Bureau and receiving offices dated 5/12/86.

For information of recipients, WFO advised on 5/19/86 by FCC that they were in receipt of two tape recordings sent by "Captain Midnight" to station ISTN, Sun City, California. Both tapes were forwarded to them by FCC personnel in California. The tapes still are enclosed in their mailing envelopes which bear postmarks of Dallas, Texas on 5/6/86 and 5/10/86.

According to [redacted], the tapes bear a synthesized voice (machine produced) message from Captain Midnight. WFO has not played these tapes in an effort to not damage any potential evidence, and has handled all as Latent. The FCC has requested the tapes be analyzed by the FBI Laboratory in an effort to ascertain any pertinent evidence.

6-Bureau (Info) (Enclosure 1)
2-New York (Info)
2-Dallas (Info)
1-WFO
[redacted]
(11)

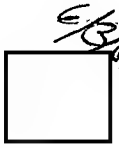
192B-260-24
SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
JUN 03 1986
FBI NE
Per [redacted]

b6 b7C

Approved: [redacted] Transmitted [redacted] (Number) (Time)

[redacted]

3 1986


b6
b7C

REQUESTS OF FBIHQ

1. Laboratory Division is requested to conduct appropriate examinations in Radio Engineering Section to determine type of equipment that produced electronic voice on enclosed tapes and other exams as deemed appropriate. Radio Engineering is also requested to make duplicate tapes of enclosed tapes and forward to WFO, New York and Dallas for investigative assistance.

2. Identification Division, Latent Fingerprint Section is requested to examine enclosed items for latent fingerprints of comparison value.

3. Laboratory Division, Questioned Document Section is requested to examine enclosed envelopes for future handwriting comparisons, indented writing, postmark information and any other examinations deemed appropriate.

4. Upon completion of examinations, forward enclosed evidence to New York (office of origin).

CEO ØØ3 15Ø ØØØ5Z

RR NY

DE CE

R 29 ØØØ5Z MAY 86

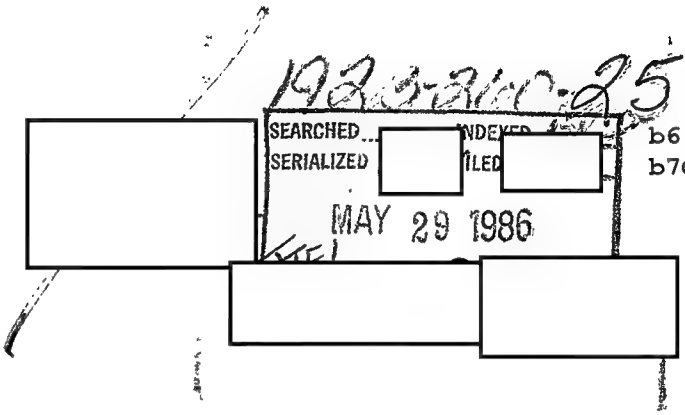
N

FM CHARLOTTE (192-Ø) (P)

TO NEW YORK (192B-26Ø) (JTF-1) ROUTINE

BT

UNCLAS



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b7C

UNSUB, AKA, CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE, GALAXY I; 4/27/86; "OME BOX OFFICE, INCORPORATED, AKA, HBO - VICTIMV HOBBS ACT - COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEMS; OO:NEW YORK

RE NEW YORK TELETYPE TO THE BUREAU DATED MAY 16, 1986.

ON MAY 28, 1986, CHARLOTTE DIVISION RECEIVED A TELEPHONE CALL FROM [redacted] OF TRIPLE D PUBLISHING COMPANY, 501 NORTH WASHINGTON STREET, SHELBY, NORTH CAROLINA, TELEPHONE NUMBER [redacted] ADVISED THAT THE TRIPLE D PUBLISHING COMPANY OFFICE AT 1780 SOUTH BELLAIRE STREET 606, DENVER, COLORADO 80222, RECEIVED A LETTER ON MAY 24, 1986 FROM AN

b6
b7C

[redacted]

INDIVIDUAL IDENTIFYING HIMSELF AS "CAPTAIN MIDNIGHT". THE LETTER EXPRESSED HIS DISDAIN OVER CURRENT TELEVISION PROGRAMMING AND GAVE A TELEPHONE NUMBER TO CALL IN NEW YORK, NEW YORK, FOR FURTHER INFORMATION.

THE MAIN OFFICE OF TRIPLE D PUBLISHING COMPANY, LOCATED IN SHELBY, NORTH CAROLINA, WAS CONTACTED AND CALLED THE TELEPHONE NUMBER. THE TELEPHONE EXTENSION HAD A RECORDED MESSAGE THAT ADVISED THEY WOULD BE RECONTACTED. ON MAY 27, 1986, TRIPLE D RECEIVED A TELEPHONE CALL FROM A MALE IDENTIFYING HIMSELF AS "CAPTAIN MIDNIGHT", WHO AGAIN EXPRESSED HIS DISDAIN FOR PRESENT TELEVISION CONDITIONS. THE INDIVIDUAL STATED THAT HE WAS CALLING FROM A TELEPHONE BOOTH IN BOSTON, MASSACHUSETTS. TRIPLE D PUBLISHING COMPANY MADE A RECORDING OF THE TELEPHONE CONVERSATION WITH THE INDIVIDUAL AND IS MAINTAINING THAT TAPE IN SHELBY, NORTH CAROLINA. THE ORIGINAL LETTER THAT WAS RECEIVED FROM "CAPTAIN MIDNIGHT" IS BEING MAINTAINED IN THE DENVER, COLORADO, OFFICE OF TRIPLE D PUBLISHING COMPANY.

NEW YORK DIVISION IS REQUESTED TO ADVISE THE CHARLOTTE DIVISION IF ADDITIONAL INVESTIGATION IS REQUIRED REGARDING THIS INCIDENT IN CONNECTION WITH CAPTIONED MATTER.

BT

FD-36 (Rev. 5-22-7[illegible])

10.59

FBI

TELETYPE ROUTINE UNCLAS

6/5/86

3007

ROUTINE
NEW YORK (192B-260) (P) (JTF-1)
ROUTINE
DIRECTOR FBI () () ()
ALBANY (192B-74) (INFO) ()
NEWARK (192B-182) () ()
ATTN: HACKENSACK R.A. AND FRANKLIN R.A.
NEW HAVEN () () ()
BT
UNCLAS

UNSUB; AKA CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE GALAXY ONE, APRIL 27, 1986; HOME BOX OFFICE (HBO), INCORPORATED AKA HBO - VICTIM; HOBBS ACT - COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM; OO: NEW YORK.

REALTEL TO THE BUREAU, DATED MAY 27, 1986.

1 - New York 192B-260
1 - Supervisor (JTF-1)

[redacted]

b6
b7C

Approv[redacted] Transmitted [redacted]

156 139/192B-260-24

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]

JUN 06 1986

FBI/NEW [redacted]

NOTE: [redacted]OVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: [redacted]

JTF-1

[redacted]

FOR INFORMATION OF NEW HAVEN, WHICH IS NOT IN POSSESION OF REFERENCED TELETYPE, INFORMATION HAVE BEEN RECEIVED WHICH ALLEGED THAT [redacted] b6 b7C BOLTON LANDING, NEW YORK HAD BEEN PRESENT WHEN A [redacted] PISCAPAWAY, NEW JERSEY, TELEPHONE NUMBER [redacted] INTERFERED WITH CAPTIONED HBO SIGNAL FROM [redacted] BUSINESS AT [redacted] ALBANY INTERVIEWED [redacted] WHO DENIED BEING PRESENT WITH [redacted] ADVISED HE HAD BEEN WITH [redacted] AND [redacted] AT [redacted] APARTMENT, [redacted] LODI, NEW JERSEY, APARTMENT NUMBER [redacted] TELEPHONE NUMBER [redacted] AT THE TIME OF THE INTERFERENCE. [redacted] ADVISED THAT [redacted] HAD THE ABILITY TO INTERFERE WITH THE HBO SIGNAL.

[redacted] WAS ALSO [redacted] b6 b7C THIS SHOW WAS BROADCAST ON AN UP-LINK-FACILITY, OPERATED BY [redacted] EAST HAMPTON CONNECTICUT, TELEPHONE NUMBER [redacted].

[redacted] ADVISED THAT HE DOES NOT KNOW WHO TRANSMITTED THE ILLEGAL INTERFERENCE OF HBO. b6 b7C

[redacted] ADVISED THAT [redacted] WAS NOT KNOWLEDGABLE ENOUGH TO HAVE TRANSMITTED THE ILLEGAL INTERFERENCE HIMSELF. [redacted] WOULD HAVE BEEN AIDED BY AN ASSOCIATE, [redacted] AN EMPLOYEE OF [redacted] PARAMUS, NEW JERSEY, WHO MOONLIGHTED FOR [redacted]

NEW YORK DOES NOT BELIEVE IT WILL BE NECESSSARY TO POLYGRAPH [redacted]

NEWARK WILL INTERVIEW [redacted] AT [redacted] PISCAPAWAY, NEW JERSEY, TELEPHONE NUMBER [redacted] REGARDING HIS KNOWLEDGE OF THE INTERFERENCE OF HBO. b6 b7C

WILL ALSO INTERVIEW [redacted] REGARDING HIS RELATIONSHIP TO [redacted] EAST HAMPTON, CONNECTICUT, TELEPHONE NUMBER [redacted] AND POSSIBLE [redacted] EMPLOYEE, [redacted]

WILL CONDUCT A POLYGRAPH EXAMINATION OF [redacted] IF DEEMED

NECESSARY BY NEWARK.

WILL REQUEST AN INTERVIEW OF [redacted] BE CONDUCTED BY NEW HAVEN, SHOULD IT BE DEEMED NECESSARY, UPON THE COMPLETION OF THE [redacted] INTERVIEW. b6 b7C

NEW HAVEN WILL CONDUCT A LIMITED BACKGROUND INVESTIGATION OF [redacted] EAST HAMPTON, CONNECTICUT, TELEPHONE NUMBER [redacted]

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 6/5/86

AIRTEL

TO: [redacted] ADIC, NEW YORK (192B-260)

FROM [redacted] SAC, ALBANY (192B-74) (RUC)

SUBJ[redacted] UNSUB; aka
CAPTAIN MIDNIGHT;
INTERFERENCE WITH TELEVISION SIGNAL
RECEIVED FROM SATELLITE GALAXY 1,
APRIL 27, 1986;
HOME BOX OFFICE INCORPORATED, aka
HBO - VICTIM;
HOBBS ACT - COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATIONS SYSTEM
(OO: NEW YORK)

Re New York teletype to Bureau, May 22, 1986.

Enclosed for New York are the originals and two copies each of an FD-302 interview of [redacted] and an investigative insert detailing information later received from [redacted] Also enclosed are Agent's notes.

No further investigation appears to remain for the Albany Office.

2-New York (Encs. 3)
1-Albany
[redacted]
(3)

192B-260-87

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
JUN 12 1986
FBI NEW YORK

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

[redacted]

U.S. GOVERNMENT PRINTING OFFICE : 1984 O - 449-465

INDEX.10 (#1606)

TO: NY @ EMH1, WFO @ EMH1

FROM: DL @ EM-2

SUBJECT: 0007 ROUTINE

DATE: 5 JUN 86 04:13:29 GMT

CC:

TEXT: DL0007 155 0420Z

RR NY WFO

DE DL

R 04 0405Z JUN 86

FM FBI DALLAS (192B-248) (RUC)

TO FBI NEW YORK ROUTINE

FBI WASHINGTON FIELD OFFICE ROUTINE

BT

UNCLAS

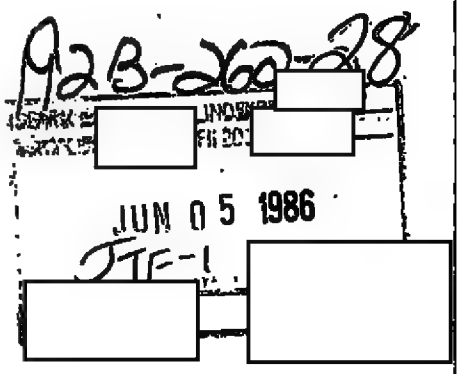
UNSUB, AKA CAPTAIN MIDNIGHT; ET AL; HOBBS ACT - COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEM; OO: WFO.

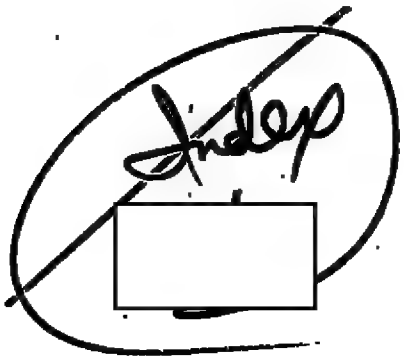
REFERENCE WFO TELETYPE TO DALLAS DATED MAY 10, 1986.

FOR INFORMATION OF WFO AND NEW YORK, DALLAS HAS PREVIOUSLY CONDUCTED AN INVESTIGATION CONCERNING A TELEPHONE NUMBER 214/733-5162 WHICH IS A MESSAGE RETRIEVAL SYSTEM OPERATED BY [redacted] THIS MATTER WAS INVESTIGATED UNDER DALLAS FILE NUMBER 196B-2691.

b6
b7C

ON JUNE 2, 1986, [redacted] FEDERAL COMMUNICATIONS COMMISSION (FCC) DALLAS WAS CONTACTED CONCERNING THIS





pl

VOICE RETRIEVAL SYSTEM. [redacted] STATED THAT HE WAS TO CONDUCT AN INTERVIEW OF [redacted] THE FOLLOWING AFTERNOON ALONG WITH SA [redacted] OF THE DALLAS FBI. [redacted] STATED THAT THE TELEPHONE RETRIEVAL SYSTEM WAS ACTUALLY A MESSAGE RECEIVING SYSTEM AND THAT [redacted] HAD BEEN RECEIVING HARASSING MESSAGES PLACED ON THIS RETRIEVAL SYSTEM, BUT THAT HE HAD FAILED TO REMOVE THEM FROM THE SYSTEM IN FEAR OF ADDITIONAL HARASSMENT WHICH WOULD BE DETRIMENTAL TO HIS BUSINESS INTEREST. [redacted] STATED THAT THE VOICE RETRIEVAL SYSTEM OPERATED BY [redacted] WOULD NOT IN ITSELF BE CAPABLE OF PRODUCING THE SIGNALS WHICH ARE THE SUBJECT OF THIS INVESTIGATION UNDER THE CAPTION OF CAPTAIN MIDNIGHT.

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b7C

[redacted] WAS INTERVIEWED BY [redacted] AND SA [redacted] AND IT WAS DETERMINED THAT HIS VOICE RETRIEVAL SYSTEM HAS BEEN VICTIMIZED BY NUMEROUS TEENAGERS FROM THE VARIOUS HIGH SCHOOLS AROUND THE LEWISVILLE AREA WHO ARE DESCRIBED AS "COMPUTER HACKS." THE INTERVIEW FAILED TO PRODUCE ANY INFORMATION INDICATING ANY OF THESE TEENAGERS IS IN FACT CAPTAIN MIDNIGHT OR THAT ANY OF THEM HAS ANY TECHNICAL CAPABILITY TO PERFORM THE INTERFERENCE

b6
b7C

WHICH WAS LISTED IN PREVIOUS COMMUNICATIONS.

BASED ON THE INFORMATION OBTAINED FROM [redacted] OF THE FCC THAT THIS EQUIPMENT IS NOT CAPABLE OF PRODUCING THE NECESSARY SIGNALS FOR THE CAPTAIN MIDNIGHT INTERFERENCE AS WELL AS THE FACT THAT INVESTIGATION BY SA [redacted] HAS DETERMINED THAT THE HARASSMENT OF THE VOICE RETRIEVAL SYSTEM IS IN FACT BEING CONDUCTED BY HIGH SCHOOL TEENAGERS USING PERSONAL COMPUTERS, DALLAS IS OF THE OPINION THAT THIS MATTER HAS NO RELATION TO THE CAPTAIN MIDNIGHT INVESTIGATION. THIS OPINION IS CONFIRMED BY [redacted] OF THE FCC.

b6
b7C

IN VIEW OF THE ABOVE, DALLAS IS CONDUCTING NO FURTHER INVESTIGATION AND PLACING THIS MATTER IN AN RUC STATUS.

BT

#0007

NNNN

Memorandum

To : SAC (192B-260)

Date 6-6-86

[redacted]

: SA [redacted]

b6
b7C

Subject : Unsub, aka
Captain Midnight;
et al
Hobbs Act - Commercial Institution;
Interference With Government
Communications Systems
OO: NY

For information of NY, captioned matter has generated a large quantity of media interest.

It is requested that a new subfile, to be numbered Sub B, be created in captioned matter, to which newspaper and magazine articles may be directed.

[redacted]

b6
b7C

192B-260-29

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
JUN 09 1986
FBI NEW YORK

[redacted]

(1) - 192B-260-main
1 - 192B-260 Sub B-Newspaper and magazine Articles

FD-36 (Rev. 5-22-73)

10. 93

FBI

TELETYPE ROUTINE UNCLAS

6/6/86

2357

changes made

ROUTINE
NEW YORK (192B-260) (P) (JTF-1)
ROUTINE
DIRECTOR FBI () ()
LOS ANGELES () ()
WASHINGTON FIELD (192B-63) (C-4)
BT
UNCLAS

UNSUB; AKA, CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE GALAXY ONE, APRIL 27, 1986; HOME BOX OFFICE, INCORPORATED AKA, HBO-VICTIM; HOBBS ACT-COMMERICAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM; OO: NEW YORK

RENYTEL TO THE BUREAU, DATED JUNE 5, 1986.

FOR INFORMATION OF THE BUREAU AND RECEIVING OFFICES, NEW YORK SUSPECTS THAT ADDITIONAL DATA WILL BE NEEDED IN ORDER TO

192B-260-30

SEARCHED [ ] INDEXED [ ] b6
SERIALIZED [ ] FILED [ ] b7C
JUN 06 1986
FBI NEW YORK

1 - New York
1 - Supervisor JTF-1

[redacted]

Approved: [redacted] Transmitted 167/162 Per _____

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD PROCESSING [redacted]ISOR, NOT TO THE TELETYPE ROOM.

WP Initials: [redacted]

SUCCESSFULLY PROSECUTE CAPTIONED MATTER UNDER TITLE 18 UNITED STATES CODE SECTION 1362, INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEM. THE AREA OF CONCERN IS THAT PORTION WHICH READS AS FOLLOWS "MEANS OF COMMUNICATION OPERATED OR CONTROLLED BY THE UNITED STATES OR USED OR INTENDED TO BE USED FOR MILITARY OR CIVIL DEFENSE FUNCTION OF THE UNITED STATES ETC."

NEW YORK HAS IDENTIFIED TWO AREAS WHICH MAY ~~RESIDUE~~ RESOLVE A POTENTIAL CONFLICT WITH THE STATUE. THE FIRST AREA IS THAT OF THE HUGHES CORPORATION OF EL SEGUNDO, CALIFORNIA WHICH IS THE OPERATOR AND ALLEGED PARTIAL OWNER OF THE SATELLITE GALAXY ONE. THE SECOND AREA IS THE UNITED STATES HOUSE OF REPRESENTATIVES AND MORE RECENTLY UNITED STATES SENATE LIVE TELEVISION BROADCAST ON THE CABLE TELEVISION CHANNEL "C-SPAN", WHICH IS ALLEGED TO BE BROADCAST VIA A TRANSPONDER WHICH IS ON THE SATELLITE GALAXY ONE.

LOS ANGELES WILL CONTACT THE HUGHES CORPORATION AT EL SEGUNDO, CALIFORNIA AND CONFIRMED THAT IT OPERATES AND CONTROLS THE SATELLITE GALAXY ONE AND DETERMINED THE IDENTITY OF ALL OTHER ENTITIES WHICH MAY OWN A PORTION OF THE SATELLITE GALAXY ONE.

WILL CONFIRM THE LOCATION OF GALAXY ONE AT 22,320 MILES ABOVE THE EQUATOR AT EITHER 131 DEGREE OR 134 DEGREE WEST LONGITUDE.

WILL IDENTIFY ALL OF THE ENTITIES WHICH RENT TRANSPONDERS ON GALAXY ONE AND THEIR CORRESPONDING TRANSPONDER NUMBER. PARTICULAR EMPHASIS SHOULD BE MADE TO ANY UNITED STATES-GOVERNMENT MILITARY, CIVILIAN OR QUASI GOVERNMENT ENTITIES WHICH MAY USE TRANSPONDERS ON GALAXY ONE. THE ONLY KNOWN ENTITY, THAT MAY BE A QUASI GOVERNMENT ENTITY, WHICH IS ALLEGED TO USE GALAXY ONE IS C-SPAN.

WILL DETERMINE IF THERE ARE ANY CONTINGENT PLANS BY WHICH THE UNITED STATES GOVERNMENT, WHETHER MILITARY, CIVILIAN OR QUASI GOVERNMENT MAY USE TRANSPONDERS ON GALAXY ONE.

WILL DETERMINE WHAT UNITED STATES GOVERNMENT REGULATIONS, IF ANY, THE HUGHES CORPORATION MUST FOLLOW, REGARDING TRANSMISSIONS OF SIGNALS TO AND FROM GALAXY ONE, WHETHER, FOR THE OPERATION AND CONTROL OF THE SATELLITE OR THE TRANSMISSION OF TELEVISION SIGNALS FROM THE SATELLITE.

WILL DETERMINE IF THE HUGHES CORPORATION OR ANY OF THE

CO-OWNERS OF GALAXY ONE ARE STILL INDEPTED TO THE UNITED STATES GOVERNMENT FOR THE PLACEMENT OF GALAXY ONE INTO ORBIT. WILL ALSO DETERMINE IF THE UNITED STATES GOVERNMENT HAS ANY CONTINGENT OR MORTGAGEOR RELATIONSHIP WITH THE HUGHES CORPORATION OR ANY OF THE CO-OWNERS OF GALAXY ONE RELATING TO THE PLACEMENT OF GALAXY ONE IN ORBIT, WHICH WOULD THEN MAKE THE UNITED STATES GOVERMENT A DEFACTO OWNER OF GALAXY ONE.

WILL DETERMINE IF THE UNITED STATES GOVERNMENT REGULATES ANY OF THE SIGNALS WHICH ARE SENT TO TRANSPONDERS ON GALAXY ONE WHERE THE LESSEE OF THE TRANSPONDER IS A NON UNITED STATES GOVERNMENT MILITARY, CIVILIAN OR QUASI GOVERNMENT ENTITY.

LOS ANGELES WILL PROVIDE RESULTS OF INVESTIGATION TO THE BUREAU, WASHINGTON FIELD AND NEW YORK.

WASHINGTON FIELD WILL CONTACT THE APPROPRIATE "C-SPAN" REPRESENTATIVES AT THE UNITED STATES CAPTIOL BUILDING AND DETERMINE IF THE C-SPAN SATELLITE CHANNEL IS OWNED, OPERATED OR REGUALTED BY THE UNITED STATES GOVERNMENT OR BY A QUASI GOVERNMENT ENTITY.

WILL DETERMINE WHAT OBLIGATION C-SPAN HAS TO THE UNITED STATES GOVERNMENT IN TERMS OF ALLOWING THE UNITED STATES GOVERNMET TO USE ITS FACILITIES TO TRANSMIT SIGNALS TO THE C-SPAN TRANSPONDER ON THE SATELLITE GALAXY ONE.

WILL PROVIDE RESULTS OF INVESTIGATION TO THE BUREAU, LOS ANGELES AND NEW YORK.

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☒ AIRTEL

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 6/10/86

TO: DIRECTOR, FBI
(ATTN: LABORATORY DIVISION/DOCUMENT SECTION,
ID/LFS AND CID/PERSONAL CRIMES UNIT)

FROM: ADIC, NEW YORK (192B-260) (P) (JTF-1)

SUBJECT: UNSUB, aka
Captain Midnight;
ET AL;
HOME BOX OFFICE, INC., aka -
VICTIM
HOBBS ACT - COMMERCIAL
INSTITUTION; INTERFERENCE
WITH GOVERNMENT COMMUNICATIONS
SYSTEMS
(OO: NY)

ReNYtel to the Bureau, dated 6/10/86.

Enclosed for the Bureau (Document Section) are the following questioned documents:

1. Photocopy of "Manifesto" from Captain Midnight with arrow drawn on left side of page, initialed and dated on back, 5/23/86.

2. Photocopy of transmittal envelope of "Manifesto" to "News Editor CBS Television", postmarked "New York, NY 10199", 5/21/86, initialed and dated on back, 5/23/86.

5-Bureau (Encs. 5)
(1-Laboratory Division/Document Section)
(1-ID/LFS)
(1-CID/Personal Crimes Unit)
1-Charlotte (INFO)
2-Denver
1-New York

[redacted]

[redacted]

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

b6
b7C

192B-260-31

[redacted]

SEARCHED
SERIALIZED
FILED
JUN 09 1986
JUN 10 1986
FBI NEW YORK

[redacted]

3. Original photocopy of "Manifesto" from Captain Midnight, initialed and dated on back, 6/5/86.

4. Original transmittal envelope of "Manifesto" to "Director, Public Relations, USA Cable"; postmarked "New York, NY 100", 5/26/86.

Enclosed for the Personal Crimes Unit is one photocopy of Item Number 3.

For the information of the Bureau, the originals of Items Numbered 1 and 2 were received at CBS News, New York, New York, on Thursday, 5/22/86. CBS News would not supply the original documents to the FBI without a subpoena, but CBS News did provide the two enclosed photocopies. Items Numbered 3 and 4 were received at USA Network, New York, New York, on either 5/29/86 or 5/30/86. Item Number 3, which is a photocopy, is the original photocopy which was received. Accordingly, Item Number 3 should be considered original evidence for latent print purposes.

A letter, similar to Items Number 1 and 3 has been received by the Triple D Publishing Company, Denver, Colorado.

REQUEST OF THE BUREAU

The Document Section is requested to photograph the four enclosures. Will determine the brand of typewriter that prepared Items Numbered 1 and 3. Will determine if the author of Items Number 2 and 4 are identical.

ID/LFS is requested to examine only Items Numbered 3 and 4 for latent prints. Those which are recovered should be retained for future comparisons.

LEAD

DENVER

AT DENVER, COLORADO. Will continue investigation at Triple D Publishing Company.

FD-36 (Rev. 5-22-78)

10.55

FBI

TELETYPE ROUTINE UNCLAS

6/10/86

1826

ROUTINE
NEW YORK (192B-260) (P) (JTF-1)
ROUTINE
DIRECTOR FBI () ()
ATTN: LABORATORY DIVISION-DOCUMENT SECTION AND
ATTN: IDENTIFICATION DIVISION-LATENT FINGERPRINT SECTION
CHARLOTTE () ()
DENVER () ()
BT
UNCLAS

UNSUB, AKA, CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELITE GALAXY ONE, APRIL 27, 1986; HOME BOX OFFICE, INCORPORATED, AKA, HBO-VICTIM; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM;
OO: NEW YORK

REFERENCE CHARLOTTE TELETYPE TO NEW YORK, DATED MAY 29, 1986.

1 - New York
[redacted] - Supervisor JTF-1
(2)

b6
b7C

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192 B-260-32

Approved: [redacted] Transmitted 6/10 (Time)

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
JUN 11 1986
FBI NEW YORK

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: [redacted]

FOR INFORMATION OF THE BUREAU AND RECEIVING OFFICES, LETTERS HAVE BEEN RECEIVED FROM AN INDIVIDUAL CLAIMING TO BE CAPTAIN MIDNIGHT IN NEW YORK AND DENVER. THE LETTER CONTAINED A CALL BACK NUMBER FOR CAPTAIN MIDNIGHT WHICH IS (212) 246-3811 EXTENSION 179. INVESTIGATION DETERMINED THAT THIS TELEPHONE NUMBER IS ASSIGNED TO A TELEPHONE ANSWERING SERVICE KNOWN AS MICROTEL INCORPORATED, 303 WEST 42ND STREET, MANHATTAN, NEW YORK, ROOM 405. THE SERVICE HAD BEEN SUBSCRIBED IN THE NAME OF [redacted] b6 b7C APARTMENT [redacted] MANHATTAN, NEW YORK, 10025. THE SERVICE WAS RENTED FOR A THREE MONTH PERIOD BETWEEN MAY 19, 1986 AND AUGUST 19, 1986. THE SUBSCRIBER PURCHASED THE SERVICE FOR $30.00 CASH. INVESTIGATION AT [redacted] MANHATTAN, NEW YORK, DETERMINED THAT AN ABANDONED APARTMENT BUILDING APPEARED AT THAT ADDRESS.

AS PER REFERENCE TELETYPE, CHARLOTTE ADVISED THAT A TELEPHONE CALL WAS RECEIVED FROM [redacted] TRIPLE D PUBLISHING COMPANY, MAIN OFFICE: 501 NORTH WASHINGTON STREET, SHELBY, NORTH CAROLINA [redacted] SATELITE OFFICE: 1780 SOUTH BELLAIRE STREET 606, DENVER, COLORADO 80222. [redacted] ADVISED THAT TRIPLE D PUBLISHING COMPANY AT 1780 SOUTH BELLAIRE STREET 606, DENVER, COLORADO, RECEIVED A LETTER FROM CAPTAIN

MIDNIGHT WHICH CONTAINED THE ABOVE CITED CALL BACK TELEPHONE NUMBER. THE NORTH CAROLINA OFFICE OF TRIPLE D PUBLISHING COMPANY CALLED THE ANSWERING SERVICE WHICH RESULTED IN A RETURN CALL FROM CAPTAIN MIDNIGHT. THIS TELEPHONE CALL WAS RECORDED BY THE TRIPLE D PUBLISHING COMPANY.

THE LABORATORY DIVISION-DOCUMENT SECTION WILL PHOTOGRAPH THE CAPTAIN MIDNIGHT LETTER AND CORRESPONDING TRANSMITTAL ENVELOPE FOR POSSIBLY USE IN FUTURE HANDWRITING COMPARISONS.

THE IDENTIFICATION DIVISION-LATENT FINGERPRINT SECTION WILL EXAMINE THE CAPTAIN MIDNIGHT LETTER AND CORRESPONDING ENVELOPE FOR LATENT PRINTS.

LEADS

CHARLOTTE

AT CHARLOTTE, NORTH CAROLINA.

WILL CONTACT [redacted] AT TRIPLE D PUBLISHING b6 b7C

COMPANY, 501 NORTH WASHINGTON STREET, SHELBY, NORTH CAROLINA AND OBTAIN A COPY OF THE TAPE RECORDING OF THE TELPHONE CALL WITH CAPTAIN MIDNIGHT. WILL REVIEW THIS TAPE FOR ANY LEADS OF VALUE.

DENVER

AT DENVER, COLORADO.

WILL CONTACT THE TRIPLE D PUBLISHING COMPANY AT 1780 SOUTH BELLAIRE STREET 606, DENVER, COLORADO AND OBTAIN THE CAPTAIN MIDNIGHT LETTER IN CORRESPONDING ENVELOPE. WILL FORWARD THE LETTER AND ENVELOPE TO THE LABORATORY DIVISION-DOCUMENT SECTION.

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

AIRTEL

DATE: JUN 17 1986

TO : DIRECTOR, FBI

FROM : ADIC, NEW YORK (192B-260) (P) (JTF-1)

SUBJECT: UNSUB, aka
Captain Midnight;
INTERFERENCE WITH TELEVISION SIGNAL
RECEIVED FROM SATELLITE GALAXY ONE,
APRIL 27, 1986;
HOME BOX OFFICE, INCORPORATED, aka
HBO-VICTIM;
HOBBS ACT-COMMERCIAL INSTITUTIONS;
INTERFERENCE WITH GOVERNMENT
COMMUNICATIONS SYSTEM;
(OO:NY)

ReNYairtel to all offices 5/16/86; NY teletype to all office 5/1/86.

2-Bureau
1-Albany
1-Albuquerque
1-Alexandria
1-Anchorage
1-Atlanta
1-Baltimore
1-Birmingham
1-Boston
1-Brooklyn Queens
1-Buffalo
1-Butte
1-Charlotte
1-Chicago
1-Cincinnati
1-Cleveland
1-Columbia
1-Dallas
1-Denver
1-Detroit
1-El Paso
1-Honolulu
1-Houston
1-Indianapolis
1-Jackson
1-Jacksonville
1-Kansas City
1-Knoxville
1-Las Vegas
1-Little Rock
1-Los Angeles
1-Louisville
1-Memphis
1-Miami
1-Milwaukee
1-Minneapolis
1-Mobile
1-Newark
1-New Haven
1-New Orleans
1-New Rochelle
1-Norfolk
1-Oklahoma City
1-Omaha
1-Philadelphia
1-Phoenix
1-Pittsburgh
1-Portland
1-Richmond
1-Sacramento
1-Saint Louis
1-Salt Lake City
1-San Antonio
1-San Diego
1-San Francisco
1-San Juan
1-Savannah
1-Seattle
1-Springfield
1-Tampa
1-WFO
1-New York

b6
b7C

192B-260-33

SEARCHED INDEXED SERIALIZED FILED
JUN 17 1986
FBI - NEW YORK

JTF1

62)

For information of the Bureau and receiving offices, several letters have been received to date at cable and non-cable television facilities. These letters have been entitled, "MANIFESTO", and signed, "CAPTAIN MIDNIGHT".

It is not known if these letters have been sent by the "true" CAPTAIN MIDNIGHT.

The purpose of this communication is to alert the field that this "MANIFESTO" and probably other letters from CAPTAIN MIDNIGHT exist.

Effected field offices are requested to recover all letters which are alleged to have been written by CAPTAIN MIDNIGHT and the corresponding transmittal envelope. These documents should then be forwarded to the Laboratory Division-Document Section for handwriting and typewriting analysis. They should also be directed to the Identification Division-Latent Fingerprint Section for a latent print examination.

DNO ØØ6 169 18Ø3Z

RR NY

DE DN

R 18 183ØZ JUN 86

FM DENVER (192B-137) (RUC)

TO NEW YORK RTINE

CRLOTTE ROUTINE

BT

UNCLAS

UNSUB, AKA CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE GALAXY ONE, APRIL 27, 1986; HOME BOX OFFICE, INCORPORATED, AKA HBO - VICTIM; HOBBS ACT - COMMERICAL INSTISTUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEMS; OO: NEW YORK

RE NEW YORK TELETYPE TO THE DIRECTOR, JUNE 10, 1986.

EFFORTS TO LOCATE [redacted] TRIPLE D PUBLISHING COMPANY OR SATELLITE TIMES AT 1780 SOUTH BELLAIRE STREET, 606, DENVER, COLORADO, NEGATIVE.

b6
b7C

INVESTIGATION DETERMINED THAT SPACE PREVIOUSLY SUBLET FROM OTC STOCK JOURNAL. [redacted] OTC STOCK JOURNAL, ADVISED THEY FORMERLY SUBLET SUITE 606 TO TRIPLE D PUBLISHING COMPANY AND SATELLITE TIMES; HOWEVER, STATED THAT LEASE

[redacted]

[redacted]

[redacted]

TERMINATED ON JUNE 1, 1986, AND THAT THEY HAD NO FORWARDING ADDRESS FOR THE COMPANY. SHE FURTHER ADVISED THAT SHE BELIEVES THAT THEY HAVE TERMINATED THEIR DENVER OPERATIONS AND THAT ANY ADDITIONAL INFORMATION WOULD HAVE TO BE OBTAINED THROUGH THEIR MAIN OFFICE IN SHELBY, NORTH CAROLINA.

CHARLOTTE DIVISION AT SHELBY, NORTH CAROLINA, RECONTACT THE MAIN OFFICES OF TRIPLE D PUBLISHING COMPANY, AND DETERMINE THE LOCATION OF [redacted] AND SPECIFICALLY THE LOCATION OF LETTER RECEIVED BY TRIPLE D PUBLISHING COMPANY AT DENVER, COLORADO.

b6
b7C

BT

Memorandum

To : ADIC, New York (192-260)
Attention: Special Agent [redacted]

Date 6/20/86

b6
b7C

From : Director, FBI

Subject : UNSUB; aka
Captain Midnight;
INTERFERENCE WITH TELEVISION
SIGNAL RECEIVED FROM SATELLITE
GALLAXY I, 4/27/86; HOB, INC. -
VICTIM;
HOBBS ACT - COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATION SYSTEM

OO: New York

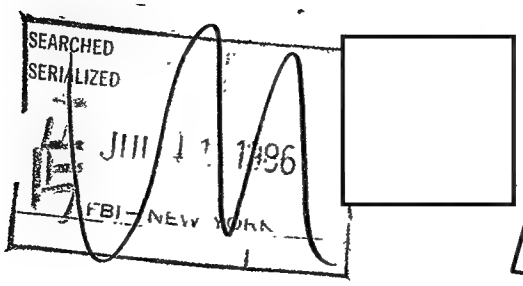
[redacted]

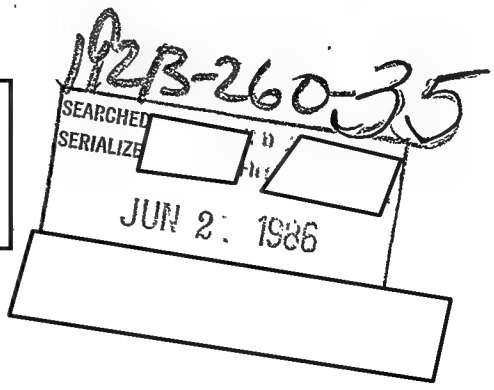
b6
b7C
b7E

All documents are enclosed herewith, for appropriate filing.

Enclosures (6)

[redacted] New York (94-1273)





b6
b7C

See withdrawn 5

FBI/DOJ

(NBOX.5 (#1408)

: HQ2 @ EMH2, NY @ EMH1

FROM: WFO @ EMH1

SUBJECT: 032/ROUTINE

DATE: 23 JUN 86 13:18:43 GMT

CC:

TEXT:

VZCZCWFO 032

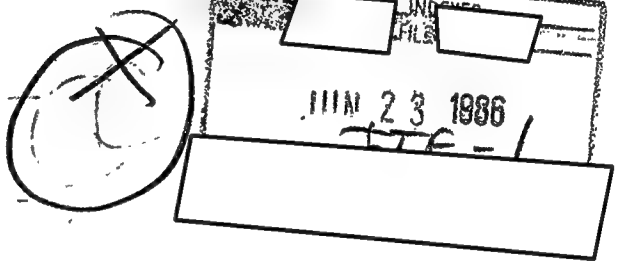
RR HQ NY

DE WF 032 1315

ZNR UUUUU

R 23 1300Z JUN 86

192B-260-31



FROM WASHINGTON FIELD OFFICE (192B-63)(C-4)

TO DIRECTOR, FBI (ROUTINE)

NEW YORK (192B-260)(P)(JTF-1)(ROUTINE)

BT

U N C L A S

UNSUB; AKA CAPTAIN MIDNIGHT; ET AL; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM; OO:NY

RE NY TELETYPE TO FBIHQ AND WFO DATED 6/6/86.

[redacted] b6 b7C

C-SPAN, 400 NORTH CAPITAL STREET, N.W., WASHINGTON, D.C. (WDC) CONTACTED 6/19/86 AND ADVISED AS FOLLOWS:

C-SPAN IS A NON-PROFIT INDEPENDENT CABLE CO-OPERATIVE WHICH IS NOT GOVERNMENT OWNED AND RECEIVES NO GOVERNMENT FUNDING. IT'S BROADCAST OF MICROWAVE TRANSMISSION IS, OF COURSE, REGULATED BY FEDERAL COMMUNICATIONS COMMISSION (FCC) REGULATIONS.

REGARDING THE BROADCAST OF SENATE OR HOUSE PROCEEDINGS, [redacted] ADVISED THE HOUSE AND SENATE HAVE THEIR OWN RECORDING STUDIOS WHICH MAKE THESE BROADCASTS OR RECORDINGS AVAILABLE TO ANY NEWS AGENCY (CBS, NBC, ETC). C-SPAN HAS A VERBAL AGREEMENT TO CARRY THE LIVE SENATE PROCEEDINGS "GAVEL TO GAVEL: (OR BEGINNING TO END). THIS AGREEMENT IS VERBAL AND NOT IN ANY WRITTEN CONTRACT.

b6
b7C

[redacted] FURTHER ADVISED C-SPAN HAS NO OBLIGATION WITH GALAXY ONE, AND THAT GALAXY ONE CARRIES THE HOUSE PROCEEDINGS.

WFO WILL CONTINUE LIAISON WITH FCC AT WDC AS REQUESTED BY FBIHQ AND OO.

BT

#0032

NNNN

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
☑ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:
☐ Immediate
☑ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☑ UNCLAS

Date 3/19/86

FM DENVER (192B-132) (P)

TO DIRECTOR ROUTINE

BT

UNCLAS

ATTENTION: PERSONAL CRIMES UNIT, GENERAL CRIMES SECTION, CID

[redacted] b6 b7C b7D

[redacted] HOME BOX OFFICE-VICTIM; HOBBS ACT-COMMERCIAL INSTITUTION; OO: DENVER

FOR THE INFORMATION OF THE BUREAU, COOPERATING WITNESS [redacted] WAS DEVELOPED BY DENVER DIVISION AND HAS FURNISHED THE FOLLOWING INFORMATION:

[redacted] b6 b7C b7D

[redacted] b6 b7C

1 - DENVER

[redacted]

Approved: [redacted] Transmitted [redacted] (Number) 878 (Time) 20

SEARCHED [redacted] INDEXED [redacted] SERIALIZED [redacted] FILED [redacted]

JUL 21 1986

FBI — NEW YORK

[redacted]

192B-260-38

FD-36 (Rev. 5-26-82)

FBI

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE THREE DN 192-142 UNCLAS

COOPERATING WITNESS HAS AGREED TO TESTIFY AND ADVISE DENVER OF [redacted] b6 b7C

ASSISTANT UNITED STATES ATTONEY (AUSA) [redacted] DENVER, APPRISED OF THE ABOVE AND ADVISED SUCH ACTIONS, IN HIS OPINION, A VIOLATION OF HOBBS ACT, AND [redacted] INDICATED HE WOULD PROSECUTE AT DENVER.

AUSA [redacted] TELEPHONICALLY CONTACTED [redacted] SATELLITE RADIO BRANCH, FEDERAL COMMUNICATIONS COMMISSION, WASHINGTON, D.C., WHO ADVISED THAT SUCH "JAMMING" IS TECHNICALLY FEASIBLE AND CAN BE CONDUCTED AT GREAT LOSS TO HBO BY INDIVIDUALS WITH THE TECHNICAL KNOW HOW AND THE PROPER EQUIPMENT.

DENVER AT DENVER, COLORADO: WILL MAINTAIN CONTACT WITH THE SOURCE AND ADVISE BUREAU SHOULD SUBJECTS BEGIN ASSEMBLING EQUIPMENT FOR OVERT ACT AGAINST HBO SATELLITE.

BT

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 6/23/86

TO: DIRECTOR, FBI

FROM: SAC, DENVER (192B-132) (P)

SUBJECT: UNSUB, aka
Captain Midnight;
INTERFERENCE WITH TELEVISION
SIGNAL RECEIVED FROM
SATELLITE, GALAXY 1
4/27/86
HOME BOX OFFICE, INC., aka
HBO - VICTIM
HOBBS ACT - COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATION SYSTEMS
OO: NEW YORK
(NY 192B-260)

[redacted]
ET AL;
HOME BOX OFFICE - VICTIM
HOBBS ACT - COMMERCIAL INSTITUTION
OO: DENVER
(DN 192B-132)

b6
b7C
b7D

Re New York airtel to Director, dated 5/16/86.

Enclosed for New York is Denver teletype to Director, dated 3/19/86, entitled [redacted] and two copies of FD-302 of [redacted] dated 6/9/86. Enclosed for Dallas is Denver teletype to Director, dated 3/19/86, two copies of FD-302 of [redacted] and one copy of New York airtel to the

2 - Bureau (Enc. 2)
(2) - New York (Enc. 3)
1 - Dallas (Info) (Enc. 4)
2 - Denver
[redacted]
(7)

FD302 Sub A

192B-260-39

b6
b7C

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
Per [redacted]
JUN 30 1986
FBI—NEW Y[redacted]

Approved: _____ Transmitted _____
(Number) (Time)

Bureau, dated 5/16/86, entitled UNSUB, aka CAPTAIN MIDNIGHT. Enclosed for the Bureau are two copies of FD-302 of [redacted] b6 b7C b7D

For the information of New York and Dallas, cooperating witness [redacted] is difficult to locate on a timely basis and periodic attempts were negative between 4/27/86 (date of CAPTAIN MIDNIGHT telecast) and 6/9/86.

It is the opinion of [redacted] that [redacted]

[redacted] b6 b7C b7D

[redacted] previously stated that [redacted]

[redacted]

LEADS:

NEW YORK CITY DIVISION

AT NEW YORK CITY, NEW YORK

Will advise Denver of the results of independent New York investigation which would either corroborate or invalidate information enclosed in this airtel.

DENVER DIVISION

AT DENVER, COLORADO

Will recontact source to determine outcome of meetings at Dallas on 6/19/86 - 6/21/86.

Memorandum

To : SAC, NEW YORK (192B-260) (P) Date 6/24/86

From [redacted] SA [redacted] (JTF-1) b6 b7C

Subject : UNSUB, aka
Captain Midnight;
INTERFERENCE WITH
TELEVISION SIGNAL
RECEIVED FROM
SATELLITE GALAXY I,
4/27/86;
HOME BOX OFFICE, INC., aka
HBO - VICTIM
HOBBS ACT - COMMERCIAL
INSTITUTION;
INTERFERENCE WITH
GOVERNMENT COMMUNICATIONS
SYSTEM
(OO: NY)

For the information of New York, an unidentified individual, who is claiming to be Captain Midnight, has been sending letters that are entitled "Manifesto" through the United States Mail to various media entities, including CBS television news, the "Village Voice" newspaper and USA Cable Network.

This "Manifesto" contained the callback telephone number (212) 246-3811, Extension 179. This telephone number is subscribed by the telephone answering service Microtel, Incorporated, of 303 West 42nd Street, Manhattan, New York. The Captain Midnight, Extension 179, was subscribed by a [redacted] Manhattan, New York 10025. The account was opened for the three month period of 5/19/86 - 8/19/86. It was opened through the United States Mail with $30.00 cash. b6 b7C

Investigation at [redacted] Manhattan, New York, determined that the premises was a sealed abandoned building.

It is anticipated that a pro-active investigative technique may identify the author of the Captain Midnight "Manifesto". The technique will attempt to cause the [redacted]

192B-260-40

SEARCHED [redacted] INDEXED [redacted]
SERIALIZED [redacted] FILED [redacted]
JUN 26 1986
FBI - NEW YORK

[redacted]

(2)

to call an FBI hello-type telephone, which will have a new telephone number. The telephone number will be unknown to everyone except the writer, SSA [redacted] and SO-1. b6 b7C There will be a telephone answering machine attached to the hello telephone. The telephone number will have a New York Telephone Company trap and trace attached to it. Thus, should the author of the "Manifesto" call the hello telephone, the trap and trace will locate the source of the author's call.

The technique that will be used to generate a call from the author will be a telephone call to the author's answering service in which the caller will claim to be a free-lance writer who is writing a story about the plight of the thousands of backyard satellite dish (which are known as Television Receive Only (TVRO)) owners, which has been created as a direct result of the scrambling of HBO and the other soon-to-be scrambled satellite stations.

As more than one call from Captain Midnight may be needed to place Captain Midnight in a neighborhood, should he call from a pay telephone, it may be necessary to have a telephone conversation with the author, in order to generate additional calls which will also be trapped.

PLA [redacted] has been advised of the above b6 b7C suggested pro-active investigative technique and he does not perceive any legal problems arising from it.

FEDERICO E. VIRELLA, JR., Deputy Chief, Criminal Division, United States Attorney's Office, Southern District of New York (SDNY), advised that no entrapment is foreseen and he concurred with the monitor and recording of the conversations as an investigative technique.

Accordingly, it is requested that the above pro-active investigative technique be authorized in order to attempt to identify the author of the "Manifesto". This authorization will include the expenditure of monies to pay for the installation and service charges of the hello-type telephone, the use of a telephone answering machine, a telephone company trap and trace and consentual monitoring of any telephone conversations.

U.S. Department of Justice

Federal Bureau of Investigation
26 Federal Plaza
New York, New York 10278

In Reply, Please Refer to
File No.

June 24, 1986

Honorable Rudolph W. Giuliani
United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, New York 10007

Attention: Federico E. Virella, Jr., Deputy
Chief - Criminal Division

Dear Sir:

This is to confirm a telephone conversation of Monday, June 23, 1986, between Deputy Chief Federico E. Virella, Jr. of your office and [redacted] the Principal Legal Advisor (PLA) of the New York Office (NYO) of the Federal Bureau of Investigation (FBI). During this conversation, PLA [redacted] advised Deputy Chief Virella that the NYO wished to initiate a pro-active investigation in order to identify an individual who has claimed to be the Captain Midnight who interrupted the Home Box Office satellite signal on April 27, 1986. This investigative technique is intended to generate a consentually monitored telephone call from Captain Midnight, during which admissions will be obtained.

b6
b7C

Deputy Chief Virella advised that no entrapment is foreseen and he concurred with the monitor and recording of the conversations as an investigative technique.

Very truly yours,

JOHN L. HOGAN
Assistant Director
in Charge

2-ADDRESSEE
1-NEW YORK(192B-260)

192B-260-41

[redacted]

SEARCHED [redacted] INDEXED
SERIALIZED [redacted] FILED [redacted]
JUN 25 1986
FBI NEW YORK

b6
b7C

FBI/DOJ

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☒ Airtel

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 6/25/86

TO: ADIC, NEW YORK (192B-260)

FROM: RUC/FRAM SAC, CHARLOTTE (192B-107)(RUC)

UNSUB, aka
Captain Midnight;
INTERFERENCE WITH TELEVISION SIGNAL
RECEIVED FROM SATELLITE, GALAXY I;
4/27/86;
HOME BOX OFFICE, INCORPORATED, aka
HBO - VICTIM;
HOBBS ACT - COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEM;
OO: NEW YORK

Re Charlotte teletype to New York, 5/29/86; New York teletype to Charlotte, 6/10/86; and Denver teletype to New York and Charlotte, 6/17/86.

Enclosed for New York are the following items:

One micro cassette obtained from [redacted] Shelby, North Carolina, containing call from individual identifying self as CAPTAIN MIDNIGHT. b6 b7C

Copy of letter signed CAPTAIN MIDNIGHT received by [redacted] SATELLITE TIMES, Denver, Colorado, and obtained from [redacted] Shelby, North Carolina.

Original and one copy of FD-302 setting forth interview with [redacted] Shelby, North Carolina, on 6/23/86.

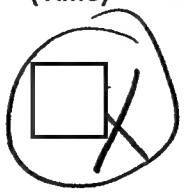
As stated in enclosed FD-302 of [redacted] he is unable to obtain original letter from CAPTAIN MIDNIGHT.

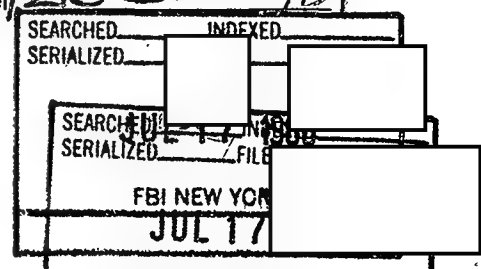
2-New York (Encs. 4)
1-Charlotte

[redacted] b6 b7C
(3)

302 to Sub A

Approved: _____ Transmitted _____ Per 192B-260-42
(Number) (Time)





FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

CE 192B-107

This letter was received at SATELLITE TIMES, 1780 South Bellaire Street, Suite 606, Denver, Colorado, and was addressed to [redacted]

b6
b7C

Since that time, [redacted] has discontinued his operation in Denver and [redacted] is no longer with the company. [redacted] stated that [redacted] could be contacted at his home telephone number, [redacted], Denver, Colorado.

However, [redacted] stated that he doubts that [redacted] would have the original letter and envelope.

Leads to contact [redacted] being left to discretion of OO.

Approved: _____ Transmitted _____ (Number) (Time) Per _____

INBOX.1 (#1973)

TO: NY @ EMH1

FROM: AL @ EMH2

SUBJECT: 178/0008 ROUTINE

DATE: 27 JUN 86 21:31:03 GMT

CC:

TEXT:

AL00008 1782131Z

RR NY

DE AL

R 272100Z JUN 86

FM SAC, ALBANY (192B-74)(RUC)

TO ADIC, NEW YORK (192B-260)(ROUTINE)

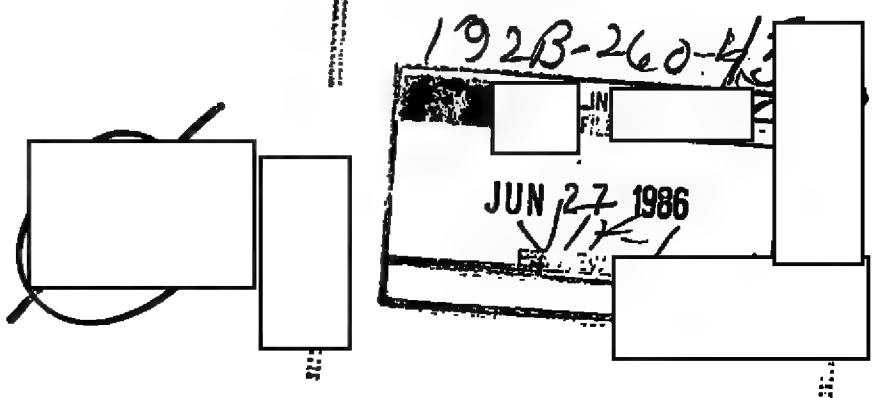
BT

UNCLAS

UNSUB, AKA, CAPTAIN MIDNIGHT, INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELITE GALAXY ONE, APRIL 27, 1986, HBO INCORPORATED-VICTIM, HOBBS ACT-COMMERCIAL INSTITUTION INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEM, OO: NEW YORK.

ON JUNE 27, 1986, [redacted] WENE RADIO STATION, 2721 EAST MAIN STREET, ENDICOTT, NEW YORK, TELEPHONE NUMBER [redacted] TELEPHONICALLY CONTACTED BINGHAMTON RESIDENT AGENCY, ALBANY DIVISION AND ADVISED THAT WENE HAS SCHEDULED LIVE ON AIR TELEPHONIC INTERVIEW OF CAPTAIN MIDNIGHT FOR 8:35 AM, JULY 8, 1986. [redacted] STATED HE WAS ADVISED BY STATION ATTORNEY

b6
b7C



OF FBI INTEREST IN CAPTAIN MIDNIGHT AND WANTED TO BRING IMPENDING INTERVIEW TO FBI ATTENTION. [redacted] WOULD NOT DISCLOSE TELEPHONE NUMBERS UTILIZED TO CONTACT CAPTAIN MIDNIGHT BUT INDICATED THAT NUMBERS WENT THROUGH NEW YORK CITY AND SUBJECT IS ACTUALLY LOCATED ON OFF SHORE BOAT. [redacted] INDICATED THAT CONTENT OF INTERVIEW WOULD BE DISCUSSION OF PAST AND FUTURE HBO BREAK-INS BY CAPTAIN MIDNIGHT.

b6
b7C

NEW YORK ADVISE ALBANY IF FURTHER INVESTIGATION SUCH AS RECORDING OF INTERVIEW AND DETAILED INTERVIEW OF [redacted] IS DESIRED.

BT

#

----------END OF DOCUMENT----------

-->

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☐ X AIRTEL

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 7/1/86

TO: DIRECTOR, FBI

FROM: SAC, NEWARK (192B-182)(RUC)(FTRA)

UNSUB, aka
Captain Midnight;
INTERFERENCE WITH TELEVISION
SIGNAL RECEIVED FROM SATELLITE
GALAXY ONE,
4/27/86;
HBO, - VICTIM;
HOBBS ACT - COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATIONS SYSTEM;
OO:NEW YORK

RE: New York teletype to Bureau, 6/5/86.

Enclosed for New York Office is original and one copy of FD-302 concerning interview of [redacted] b6 b7C

Newark indices negative regarding [redacted]

For information of the Bureau, [redacted] interviewed and denied any involvement in or knowledge of, the Captain Midnight's interference. [redacted] indicated he knows both [redacted] and [redacted] but has not had business dealings with [redacted] for 1½ years and 7 months with [redacted]

[redacted] appeared to be very candid in his response to questions regarding the interference signal and a polygraph examination of [redacted] is not being considered unless deemed necessary by New York.

[redacted] b6 b7C

2 - Bureau
2 - New York (192B-260)(JTF-1)(Enc.2)
1 - Newark
[redacted]
(5)

FD 302 to Sub A

192B-260-44

Approved: _____ Transmitted _____ (Number) _____ (Time)

SEARCHED [redacted] INDEXED
SERIALIZED [redacted] FILED [redacted]

JUL 17 1986

FBI - NEW YO [redacted]

[redacted]

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☒ AIRTEL

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 7/3/86

TO: DIRECTOR, FBI

FROM: SAC, LOS ANGELES (192B-306)(C1)(RUC)

RE: UNSUB; aka
Captain Midnight;
INTERFERENCE WITH TELEVISION SIGNAL RECEIVED
FROM SATELLITE GALAXY ONE,
4/27/86;
HOME BOX OFFICE INC., aka
HBO - VICTIM;
HOBBS ACT - COMMERCIAL INSTITUTIONS;
INTERFERENCE WITH GOVERNMENT COMMUNICATIONS
SYSTEM;
OO: NY

Re NY teletype to Bureau, ET AL, dated 6/6/86.

Enclosed for the Bureau, WFO, and OO is a five page answer sheet concerning questions set forth in referenced teletype.

For information of OO, on 6/12/86, [redacted] Galaxy Systems, Hughes Communications Galaxy, Inc., subsidiary of Hughes Aircraft Company, 1990 Grand Avenue, El Segundo, California, telephone 213-607-4000, advised that he would consult the pertinent experts regarding the answers to questions set forth on referenced teletype to Los Angeles. b6 b7C

On 6/25/86, [redacted] provided the enclosed five page communication which answers the questions regarding the Satellite Galaxy One. [redacted] advised that the enclosed responses are for

Enclosures to Sub A

2 - Bureau (Enc 1)
2 - WFO (Enc 1)
(2) - New York (Enc 1)
1 - Los Angeles

[redacted]

AUTOMATED SEARCH JUL 16 1986
SEARCHED [redacted] INDEXED [redacted] SERIALIZED [redacted] FILED [redacted]
JUL 16 1986
FBI NEW YORK

192B-260-45

b6 b7C

Approved: [redacted] Transmitted [redacted] (Number) [redacted] (Time) Per [redacted]

[redacted]

U.S. GOVERNMENT PRINTING OFFICE : 1984 O - 449-465

the seven questions that ~~was~~ WERE submitted to them by the FBI. [redacted] advised that he would continue to cooperate in any way possible concerning this matter. No further investigation at Los Angeles concerning this matter therefore this communication is being forwarded RUC.

b6
b7C

7-15

REPORT of the FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: ADIC, New York (192B-260) (JTF-1) July 14, 1986

UNSUB, aka
Captain Midnight;
ET AL;
HOME BOX OFFICE, INC., aka -
VICTIM;

FBI FILE NO. 192-1905

LAB. NO. 60616013 D QJ

Re: HOBBS ACT - COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEMS

OO: New York

Examination requested by: Addressee

Reference: Communication dated June 10, 1986

Examination requested: Document - Fingerprint

Specimens received June 16, 1986

Specimens:

Q5 Envelope postmarked "NEW YORK, NY 100 PM 26 MAY 1986" bearing the hand printed address "Director, Public Relations USA Cable 1230 Avenue of the Americas New York, N.Y. 10020"

Qc6 Photocopy of accompanying typewritten letter beginning "During the early..."

Qc7 Photocopy of envelope postmarked "New York, NY 10199 PM MAY 21 1986" bearing the hand printed address "News Editor CBS Television 524 W. 57th St. New York, N.Y. 10019"

Qc8 Photocopy of accompanying typewritten letter beginning "During the early..."

Result of examination:

Q5 through Qc8 were searched through the Anonymous Letter File without effecting an identification. Copies have

 (over)

192B-260-446

FBI/DOJ

been added to that file for future reference purposes.

The Q5 envelope contains the "USA" watermark which appears on envelopes sold by the US Postal Service. No watermarks were found on Qc6 through Qc8.

No indented writing was found on Q5 through Qc8.

It was determined that the Qc6 and Qc8 items are photocopies which originated from a common document source.

It was determined that the handwriting on Q5 and on Qc7 contains similar handwriting characteristics indicating that these items were probably prepared by the same writer.

Due to the limited nature of the Qc6 and Qc8 photocopies, the brand of typewriter utilized to type the typewritten portions of those items was not determined.

Q5 through Qc8, which have been photographed, will be returned separately along with the results of the latent fingerprint examination.

FD-36 (Rev. 8-26-82)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☐ AIRTEL

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 7/17/86

TO: FBI, NEW YORK (192B-260)(P)(JTF-1)

FROM: SAC, WFO (192B-0063)(C-4)(RUC)

UNSUB; AKA CAPTAIN MIDNIGHT;
ET AL;
HOBBS ACT-COMMERCIAL INSTITUTIONS
INTERFERENCE WITH GOVERNMENT
COMMUNICATIONS SYSTEM;
OO: NEW YORK

Re WFO tel to New York, dated 6/20/86.

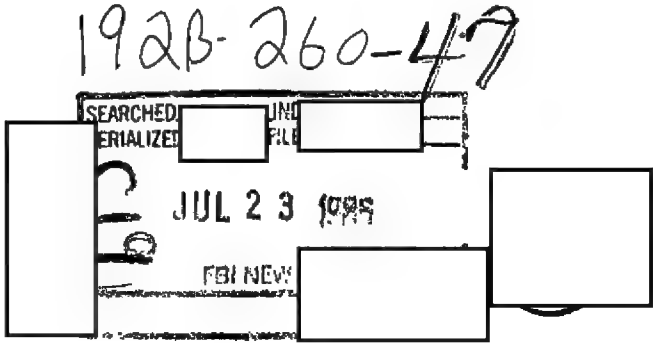
As no further leads have been set out for WFO and all investigation complete at WFO, this matter is being placed in RUC status. WFO will reopen should specific leads be received.

(2)-New York
1 WFO

[redacted]
(5)

b6
b7C

192B-260-49



Approved: [redacted] Transmitted _____ (Number) _____ (Time) Per _____

INBOX.6 (#965)

TO: HQ1.@ EMH1, NY @ EMH1

FROM: HO @ EMH2

SUBJECT: JECT: 200/0001 ROUTINE

DATE: 19 JUL 86 22:58:41 GMT

CC:

TEXT:

HOOO1 2002311Z

RR HQ NY

DE HO

R 192100Z JUL 86

FM HOUSTON (192B-146) (P)

TO DIRECTOR ROUTINE

ATTN: PERSONAL CRIMES UNIT

NEW YORK (192B-260) (JTF-1) ROUTINE

ATTN: SA [redacted] b6 b7C

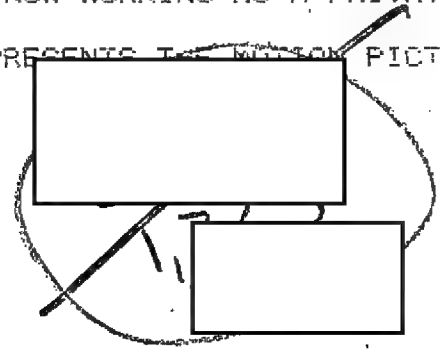
BT

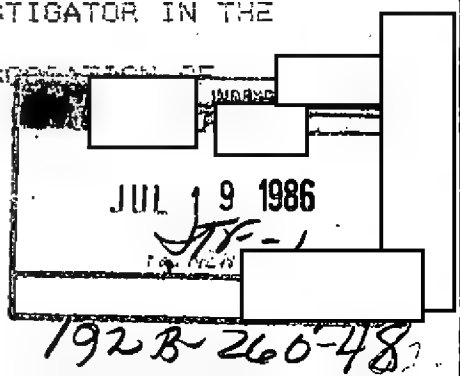
UNCLAS

UNSUB: AKA, CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE GALAXY ONE, APRIL 27, 1986; HOME BOX OFFICE INCORPORATED, AKA, HBO-VICTIM; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATIONS SYSTEMS; OO: NEW YORK.

RE NEW YORK TELETYPE TO THE BUREAU, MAY 2, 1986; AND NEW YORK TELES TO THE BUREAU, MAY 16, 1986 AND JUNE 17, 1986.

ON JULY 15, 1986, [redacted] CONTACTED HOUSTON WITH POSSIBLE LEAD INFORMATION REGARDING THE IDENTITY OF CAPTAIN MIDNIGHT. [redacted] IS A FORMER BUREAU AGENT NOW WORKING AS A PRIVATE INVESTIGATOR IN THE HOUSTON AREA. [redacted] REPRESENTS THE MOTION PICTURE ASSOCIATION OF [redacted]





192B-260-48

AMERICA (MPAA), AMONG OTHER CLIENTS. [redacted] ADVISED AS FOLLOWS: b6 b7C

DURING FEBRUARY, 1986, TWENTIETH CENTURY FOX RECEIVED A LETTER FROM A [redacted] CONROE, TEXAS, REQUESTING PERMISSION TO EXHIBIT TWENTIETH CENTURY FOX MOVIES VIA A SATELLITE DISH. TWENTIETH CENTURY FOX RESPONDED TO [redacted] LETTER BUT RECEIVED NO FURTHER COMMUNICATION FROM [redacted] AFTER FEBRUARY, 1986.

DURING JULY, 1986, MPAA REQUESTED [redacted] TO LOCATE AND INTERVIEW [redacted] REGARDING HIS REQUEST FOR PERMISSION TO SHOW TWENTIETH CENTURY FOX MOVIES. ON JULY 9, 1986, [redacted] LOCATED [redacted] AT [redacted] CONROE, TEXAS, AFTER AN EXTENSIVE NEIGHBORHOOD INVESTIGATION.

UPON ARRIVING AT [redacted] RESIDENCE, [redacted] OBSERVED THREE LARGE b6 b7C SATELLITE DISHES IN [redacted] FRONT YARD. [redacted] IDENTIFIED HIMSELF TO [redacted] AND EXPLAINED THAT [redacted] WAS CONTACTING [redacted] IN REGARD TO HIS LETTER TO TWENTIETH CENTURY FOX DURING FEBRUARY, 1986. [redacted] ADVISED [redacted] THAT [redacted] IS IN THE "UPLINK" BUSINESS, WHICH [redacted] DESCRIBED AS SENDING A SIGNAL TO AN ORBITING SATELLITE WHICH BOUNCES THE SIGNAL BACK TO EARTH SO VIEWERS MAY WATCH [redacted] MOVIES FREE OF CHARGE. [redacted] TOLD [redacted] THAT HE DOES NOT CHARGE FOR HIS SERVICE AND THAT HE IS DOING THIS BECAUSE HE IS VERY IRRITATED WITH HBO AND SHOWTIME SINCE THEY STARTED SCRAMBLING THEIR SIGNALS AFTER THE FIRST

OF THE YEAR. [redacted] EXPLAINED THAT HE WAS IN THE SATELLITE DISH BUSINESS, KNOWN AS SATELLITE, INCORPORATED, UNTIL DECEMBER, 1985. WHEN HBO AND SHOWTIME BEGAN TO SCRAMBLE THEIR SIGNALS, THIS CAUSED A TREMENDOUS DECLINE IN THE DEMAND FOR SATELLITE DISHES AND [redacted] WENT OUT OF BUSINESS. b6 b7C

[redacted] DESCRIBED [redacted] AS A WHITE MALE WITH LONG HAIR WHO GIVES THE APPEARANCE OF BEING A "HIPPY". [redacted] ADVISED THAT IT WAS HIS IMPRESSION THAT [redacted] WAS EITHER EMOTIONALLY UNSTABLE OR WAS ON SOME TYPE OF DRUG DURING THIS INTERVIEW, SINCE [redacted] ACTED BELLIGERENT TOWARD [redacted] THROUGHOUT THE INTERVIEW.

LEADS:

HOUSTON DIVISION:

WILL CONDUCT DISCREET BACKGROUND INVESTIGATION OF [redacted] [redacted] WITH LOCAL LAW ENFORCEMENT OFFICIALS AT CONROE, TEXAS. THEREAFTER, WILL CONTACT AND INTERVIEW [redacted] REGARDING HIS POSSIBLE KNOWLEDGE OF THE ORIGIN OF THE SIGNALS FROM CAPTAIN MIDNIGHT. b6 b7C

BT

TO: HQ1 @ EMH1, NY @ EMH1

FROM: PD @ EMH1

SUBJECT: 200/0003 ROUTINE

DATE: 19 JUL 86 01:32:59 GMT

CC:

TEXT:

PDO 0003 2000136Z

RR HQ NY

DE PD 0003

R 1900012 JUL 86

FM PORTLAND (192B-NEW)

TO DIRECTOR ROUTINE

NEW YORK (192B-260)(JTF-1) ROUTINE

BT

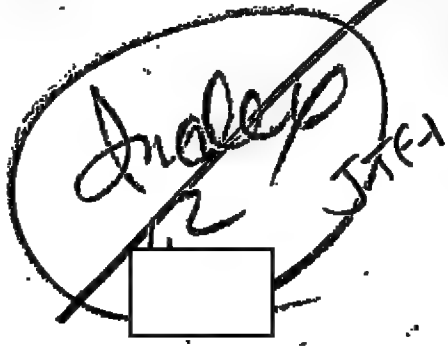
UNCLAS

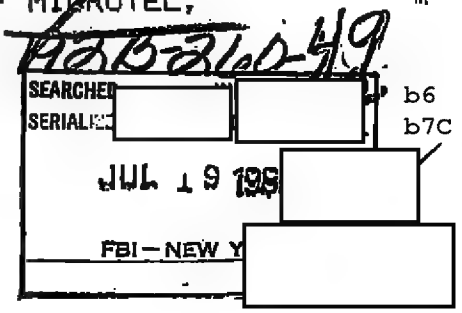
ATTENTION: CID PERSONAL CRIMES UNIT

UNSUB, AKA - CAPTAIN MIDNIGHT; INTERFERENCE WITH TELEVISION SIGNAL RECEIVED FROM SATELLITE, GALAXY ONE; APRIL 27, 1986; HOME BOX OFFICE INCORPORATED, AKA - HBO - VICTIM; HOBBS ACT - COMMERCIAL INSTITUTION; OO: NEW YORK.

RE PORTLAND TELCALL TO NEW YORK AND BUREAU, JULY 18, 1986.

FOR INFORMATION, INDIVIDUAL IDENTIFYING HIMSELF AS CAPTAIN MIDNIGHT APPEARED ON LOCAL RADIO TALK SHOW ON JULY 18, 1986. INDIVIDUAL WAS ON KXL AT NOON AND CLAIMED TO BE CAPTAIN MIDNIGHT WHO HAD JAMMED THE HBO SIGNALS AND SUPPOSEDLY EXPLAINED HOW HE WAS SUCCESSFUL IN INTERRUPTING THE HBO SIGNAL. THE INDIVIDUAL PROVIDED AN ADDRESS WHILE ON THE AIR OF MIDROTEL,





303 WEST 42ND STREET, ROOM #405, NEW YORK, NEW YORK, 10036.

INFORMATION DEVELOPED AT PORTLAND INDICATES THAT SUBJECT WAS ARRANGED THROUGH A NEWSMAKERS GROUP WHICH PROVIDES INDIVIDUALS FOR RADIO TALK SHOWS. IT WAS FURTHER DETERMINED THAT THIS PARTICULAR INDIVIDUAL WAS ARRANGED THROUGH A TELEPHONE NUMBER IN NEW YORK OF 212/246-3811, EXTENSION 179. THE BUREAU IS REQUESTED TO AUTHORIZE PORTLAND TO CONDUCT INTERVIEW AT KXL RADIO REGARDING THE CONTACT WITH CAPTAIN MIDNIGHT AND ALSO TO OBTAIN A TAPE OF THE RADIO BROADCAST.

NEW YORK AT NEW YORK. WILL INSTITUTE INVESTIGATION THROUGH MICROTEL, 303 WEST 42ND STREET, ROOM #405, AND ALSO THROUGH TELEPHONE NUMBER 212/246-3811, EXTENSION 179.

INVESTIGATION CONTINUING AT PORTLAND.

BT

4 9 2

----------END OF DOCUMENT----------

INBOX.4 (#1438)

TO: HQ1 @ H1, NY @ EMH1

FROM: JK @ EMH2

SUBJECT: 206/0008 ROUTINE

DATE: 25 JUL 86 18:41:23 GMT

CC:

TEXT:

JK00008 2061841

RR HQ NY

DE JK

R 251841Z JUL 86

FM JACKSONVILLE (192B-110) (P)

TO DIRECTOR, FBI (192-1905) ROUTINE

NEW YORK (192B-260) (JTF-1) ROUTINE

BT

UNCLAS

ATTN: PERSONAL CRIMES UNIT, CRIMINAL INVESTIGATION DIVISION

SECTION 1 OF 2

192B-260-50

SEARCHED [redacted] IND
SERIALIZED [redacted] FIL
JUL 25 198[redacted]
FBI

b6
b7C

CHANGED. [redacted] CAPTAIN MIDNIGHT, ET AL; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEMS; OO: NEW YORK

TITLE MARKED CHANGED TO INDICATE THE NAME [redacted] AS SUBJECT IN THIS MATTER AS A RESULT OF INVESTIGATION CONDUCTED BY JACKSONVILLE DIVISION.

b6
b7C

REFERENCE NY TELETYPE TO FBIHQ AND JK, DATED JULY 24, 1986, AND JK TELCALL BY SA [redacted] TO SA [redacted] NY OFFICE, JULY 24, 1986.

FOR THE INFORMATION OF FBIHQ AND NEW YORK, THERE IS SET

FORTH HEREAFTER A SYNOPSIS OF EVENTS LEADING TO THE SUBSEQUENT IDENTIFICATION OF [redacted], AKA "CAPTAIN MIDNIGHT". b6 b7C

THE ACTIVITIES OF THE U.S. ATTORNEY'S OFFICE, MDF, JACKSONVILLE DIVISION, AND THE CURRENT PROSECUTIVE STATUS CONCERNING THE SUBJECT [redacted]

ASSISTANT UNITED STATES ATTORNEY (AUSA) [redacted] MDF, JACKSONVILLE DIVISION, WAS CONTACTED ON JULY 24, 1986, AND ADVISED THAT ON OR ABOUT JULY 7 OR 8, 1986, WHILE [redacted] WAS ACTING AS "DUTY AUSA" IN JACKSONVILLE, FLORIDA, HE WAS CONTACTED BY [redacted] ENGINEER IN CHARGE, FEDERAL COMMUNICATIONS COMMISSION (FCC), TAMPA, FLORIDA. [redacted] INQUIRED b6 b7C OF [redacted] IF HE, [redacted] HAD RECEIVED ANY COMMUNICATIONS CONCERNING "CAPTAIN MIDNIGHT". WHEN [redacted] ADVISED [redacted] THAT HE HAD NO KNOWLEDGE CONCERNING THIS MATTER, [redacted] EXPRESSED SURPRISE BECAUSE HE TOLD [redacted] THAT HE HAD CONTACTED AUSA [redacted] AT LEAST A WEEK EARLY IN TAMPA, FLORIDA, CONCERNING THIS MATTER. [redacted] EXPLAINED THAT THE FCC INVESTIGATION HAD NARROWED HIS SELF TO THE OCALA, FLORIDA, AREA AND AMONG PERSONS SUSPECTED, HE IDENTIFIED [redacted] OCALA, FLORIDA, AND [redacted]

50

[redacted] OCALA, FLORIDA, AS b6 b7C

THE STRONGEST CANDIDATES.

[redacted] WENT ON TO ADVISE [redacted] THAT FCC SUSPECTED THAT THE TRANSMISSION OF THE "CAPTAIN MIDNIGHT" MESSAGE ORIGINATED FROM CENTRAL FLORIDA TELEPORT AT OCALA, FLORIDA. FCC ADVISED THAT BOTH [redacted] AND [redacted] AS WELL AS SEVERAL OTHER ASSOCIATES HAD ALREADY BEEN INTERVIEWED BY THEM, [redacted] b3

[redacted]

[redacted] INITIATED AN INQUIRY TO THE U.S. ATTORNEY'S OFFICE b6 b7C IN TAMPA, FLORIDA, AND DETERMINED THAT AUSA [redacted] HAD DISCUSSED THIS MATTER WITH CHIEF CRIMINAL AUSA [redacted] WHO ADVISED THAT INASMUCH AS THE OCALA DIVISION WAS WITHIN THE JACKSONVILLE DIVISIONS AREA RATHER THAN TAMPA, FLORIDA, THE MATTER SHOULD BE ASSIGNED TO AUSA "WHO HAD CABLE IN HIS HOME" INASMUCH AS

ALTHOUGH THIS WAS A MISDEMEANOR OFFENSE, IT APPEARED TO HAVE SOME JURY APPEAL.

[redacted] ADVISED THAT DURING THE PERIOD BETWEEN HE INITIALLY PRESENTED THIS MATTER TO THE U.S. ATTORNEY'S OFFICE IN TAMPA, FLORIDA, AND HAD SUBSEQUENT CONTACT WITH AUSA [redacted] ON THE 7TH OR 8TH OF JULY, HE WAS RECEIVING PRESSURE FROM FCC ADMINISTRATORS TO GET THE U.S. ATTORNEY INVOLVED. b6 b7C

[redacted] SAID THAT HE INITIALLY REQUESTED AN INVESTIGATIVE REPORT FROM [redacted] WHICH WAS SUBSEQUENTLY RECEIVED FROM HIM.

[redacted] b3 b6 b7C

b3
b6
b7C

ON JULY 16, 1986, AUSA [redacted] RECEIVED A TELEPHONE CALL

FROM AN ATTORNEY [redacted] b6 b7C

[redacted] WHO ANNOUNCED HIMSELF

AS THE ATTORNEY FOR [redacted] ASKED AUSA [redacted]

"WHAT WOULD YOU DO IF I COULD DELIVER YOUR CAPTAIN MIDNIGHT?".

[redacted] FURTHER IDENTIFIED HIMSELF AS HAVING DONE OTHER LEGAL

WORK FOR [redacted] IN THE PAST.

AUSA [redacted] EXPLAINED THAT AT ABOUT THIS SAME TIME,

HE HAD REQUESTED THEFCC TO DO ADDITIONAL LEG WORK AND TECHNICAL

WORK IN THIS MATTER, SOME OF WHICH INVOLVED OBTAINING THE

POWER GENERATOR ALLEGEDLY USED AT CENTRAL FLORIDA TELEPORT IN

OCALA, ORIDA, SUBSTITUTING ANOTHER POWER UNIT, AND SENDING

THE ORIGINAL ONE TO FCC LABORATORY FACILITIES TO DETERMINE

IF IT DID IN FACT HAVE THE CAPABILITY OF PROJECTING THE

SUSPECT IMAGE VIA SATELLITE TO THE HOME BOX OFFICE (HBO)

FACILITY IN NEW YORK. THIS INSTIGATION AND TECHNICAL WORK

WAS TO BE COMPLETED Y [redacted] b3 b6 b7C

[redacted]

AFTER DISCUSSIONS BETWEEN AUSA [redacted] AND ATTORNEY

[redacted] A TENTATIVE PLEA BARGAIN WAS WORKED OUT, HOWEVER, AUSA

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INBOX.5 (#1439)

TO: HQ1 @ EMH1, NY @ EMH1

FROM: JK @ EMH2

SUBJECT: 206/0009 ROUTINE

DATE: 25 JUL 86 18:48:26 GMT

CC:

TEXT:

JK00009 2061848

RR HQ NY

DE JK

R 251848Z JUL 86

FM JACKSONVILLE (192B-110) (P)

TO DIRECTOR, FBI (192-1905) ROUTINE

NEW YORK (192B-260) (JTF-1) ROUTINE

BT

UNCLAS

ATTN: PERSONAL CRIMES UNIT, CRIMINAL INVESTIGATION DIVISION

SECTION 2 OF 2

CHANGED. [redacted] CAPTAIN MIDNIGHT, ET AL; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEMS; OO: NEW YORK

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[redacted] ADVISED [redacted] THAT THE TERMS OF SAID PLEA BARGAIN HAD TO BE RESOLVED [redacted]

ABOUT THIS TIME, AUSA [redacted] DETERMINED THAT THE PRIMARY OBJECTIVE OF FCC IN THIS MATTER WAS THE IDENTIFYING OF WHO CAPTAIN MIDNIGHT ACTUALLY WAS RATHER THAN ACTUAL PROSECUTION

IN THIS CASE. AN EXTREME AMOUNT OF PRESSURE WAS BEING DIRECTED AT FCC BY NATIONAL SECURITY AGENCIES AS WELL AS THE INDUSTRY ITSELF IN TRYING TO IDENTIFY "CAPTAIN MIDNIGHT" SO THAT HE COULD BE INTERVIEWED.

DURING THE PERIOD OF JULY 18 TO JULY 21, 1986, ACCORDING TO [redacted] WAS NOT AVAILABLE AND AUSA [redacted] WAS BECOMING ANXIOUS [redacted] ON JULY 22, 1986, [redacted] CONTACTED AUSA [redacted] AND ADVISED THAT THE TERMS OF THE PLEA AGREEMENT, WHICH INCLUDED A FINE OF $5,000.00, WAS ACCEPTABLE TO [redacted] AND AT 10:00 A.M. ON JULY 22, 1986, ALL DOCUMENTS IN THIS MATTER WERE SIGNED AND AT 3:00 P.M. ON THAT DATE, [redacted] APPEARED BEFORE U.S. MAGISTRATE HOWARD E. SNYDER, MDF, JACKSONVILLE, FLORIDA, WHERE HE PLED GUILTY TO A ONE COUNT INFORMATION CHARGING HIM WITH BEING IN VIOLATION OF THE PROVISIONS OF CHAPTER FIVE, TITLE 47, USC; ALL IN VIOLATION OF TITLE 47, USC, SECTIONS 301 AND 501, AND TITLE 18, USC, SECTION TWO.

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AT THE PRESENT TIME, [redacted] IS SCHEDULED TO APPEAR FOR SENTENCING BEFORE U.S. MAGISTRATE SNYDER AT 9:00 A.M. ON

AUGUST 26, 1986, IN JACKSONVILLE, FLORIDA.

JACKSONVILLE IS IN POSSESSION OF THE STATEMENT MADE BY [redacted] IN WHICH HE ADMITS HIS INTERFERENCE WITH THE HBO CHANNEL ON APRIL 20 AND APRIL 27, 1986, AND SETS FORTH THE DETAILS AS TO HOW THIS WAS ACCOMPLISHED. A COPY OF THE DETAILED PLEA AGREEMENT WAS ALSO OBTAINED AS WELL AS A COPY OF THE INFORMATION UTILIZED IN THIS MATTER. COPIES OF THESE DOCUMENTS WILL BE FURNISHED TO FBIHQ AND NEW YORK, BY FOLLOWING AIRTEL.

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IT IS TO BE NOTED THAT UNDER SECTION B (STANDARD TERMS AND CONDITIONS), PARAGRAPH THREE (COOPERATION) THE TERMINOLOGY INDICATES THAT THE DEFENDANT AGREES TO COOPERATE FULLY WITH THE GOVERNMENT AND TESTIFY FULLY AND TRUTHFULLY BEFORE ANY AND ALL FEDERAL GRAND JURIES AT ANY TRIALS IN CONNECTION WITH ANY OF THE CASES, CHARGES OR MATTERS NOTED HEREIN, AND ANY RELATED CASES. HE ALSO AGREED TO BE AVAILABLE FOR INTERVIEWS FOR ANY AND ALL INTERVIEWS WHICH THE UNITED STATES REQUIRES AND WILL TESTIFY UNDER UPON REQUEST UNDER OATH IN SWORN AGENT INTERVIEWS.

AUSA [redacted] RECOMMENDED THAT ANY AGENCY WISHING TO INTERVIEW [redacted] MAKE ARRANGEMENTS THROUGH HIS ATTORNEY

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[redacted], TO DO SO. b6 b7C

[redacted] IS DESCRIBED AS A WHITE/MALE, BORN [redacted] IN ILLINOIS, 5'11", 240 POUNDS, BLUE HAIR, BROWN EYES, HEAVY BUILD, WEARS GLASSES, RESIDING AT [redacted] BUSINESS ADRESS 2303A NORTHEAST 36TH AVENUE, [redacted] MARITAL STATUS-SINGLE, AND FORMER ADDRES WHICH IS THAT OF HIS PARENTS [redacted] FORT LAUDERDALE, FLORIDA. [redacted] WAS PROCESSED AND FINGERPRINTED ON THE U.S. MARSHAL NUMBER [redacted]

NO FURTHER INVESTIGATION OR ACTION BEING TAKEN BY JACKSONVILLE AT THIS TIME EITHER THAN THE FORWARDIN OF THE ABOVE INDICATED DOCUMENTS TO FBIHQ AND NEW YORK.

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REPORT
of the

FBI LABORATORY

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

July 17, 1986

To: SAC, Washington Field Office (192B-63) (C-4)

FBI FILE NO. 192-1902

LAB. NO. 60530057 D/E QJ QE

Re: UNSUB; aka Captain Midnight;-
aka Et Al
Hobbs Act-Commercial Institution;
Interference with Government
Communications Systems

OO: New York

Examination requested by: Addressee

Reference: Communication dated May 28, 1986

Examination requested: Document - Engineering - Fingerprint

Specimens received May 30, 1986

Specimens:

Q1 One cardboard envelope bearing the hand printed address "ISTN P.O. Box 800 SUN CITY, CA 92381"

Q2 Accompanying cassette tape

Q3 Envelope postmarked "DALLAS TX 752 PM MAY 10 1986" bearing the hand printed address "ISTN PO BOX 800 SUN CITY, CA 92381"

Q4 Accompanying cassette tape

Result of examination:

Q1 and Q3 were searched through the Anonymous Letter File without effecting an identification. No indented writing was found on Q1 and Q3.

The watermark "USA" is contained on the Q3 envelope and is present on envelopes sold by the US postal service. If known handwriting of suspects is obtained for comparison with the hand printing on Q1 and Q3, it should consist of numerous repetitions of the exact wording of all of the

192B-260-57

FBI/DOJ

hand printing on Q1 and Q3 and should be prepared on envelopes and pieces of cardboard similar in size and format to the questioned items.

Results of the other requested Laboratory examinations will be the subject of a subsequent report.

MTV NETWORKS INC.

[redacted]

b6
b7C

July 22, 1986

[redacted]
Federal Bureau of Investigation
26 Federal Plaza
New York, New York 10007

Dear [redacted]

I am enclosing two documents and the envelope that they were received in via the mails by Showtime/The Movie Channel Inc.

The enclosed press release states that Captain Midnight and industry representatives have come to an understanding resulting in Captain Midnight's agreement to reframe from further jamming of satellites.

Viacom International Inc., the operator of 11 satellite delivered program services and the 10th largest cable operator in the U.S., has not communicated in any way with Captain Midnight or anyone claiming to be Captain Midnight.

Please call if you need further information.

Cordially,

[redacted]

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b7C

cc: [redacted]

[redacted]

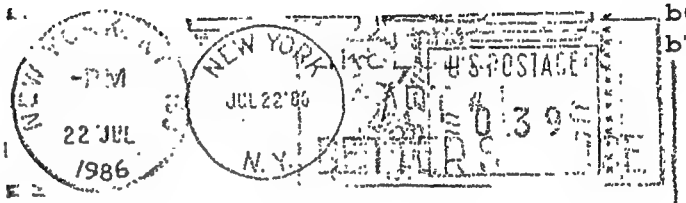
1775 Broadway, New York, New York 10019 (212) 713-6560

[redacted]

192B-260-52

SEARCHED INDEXED
SERIALIZED FILED
JUL 24 1986
FBI — NEW Y
[redacted]

[redacted]
MTV NETWORKS INC.
1775 Broadway, New York, New York 10019



b6
b7C

X-RAYED

C-19

[redacted]
Federal Bureau of Investigation
26 Federal Plaza
New York, New York 10007

EVIDENCE EVIDENCE

CAPT. MIDNIGHT

Public Relations Director
SHOWTIME CABLE TELEVISION
1633 Broadway
New York, N.Y. 10019

Pilot Line FOR IMMEDIATE RELEASE

Via Commercial

Preamble BETTER PROGRAM INTERCEPTION (BPI-TV)

To ALL CONCERNED CITIZENS

Captain Midnight has agreed to impose a thirty day moratorium on Better Program Interception (BPI-TV) after receiving assurances from a group of network and cable major stockholders that program quality will be upgraded and further scrambling delayed pending Congressional appraisal of the situation.

In a statement issued from his offshore base, Capt. Midnight said: "It's a 'wait and see' standoff. If the retreads appear we'll begin our own crusade as previously announced."

For further information on BPI-TV, write: Captain Midnight c/o Microtel, Inc., 303 W. 42nd St., Room 405, New York, N.Y. 10036

TELEPHONE: (212) 246-3811 Extension 179

FD-36 (Rev. 5-22-78)

FBI

TELETYPE ROUTINE UNCLAS

7/23/86

10.63

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change page 1, 2

ROUTINE
NEW YORK (192B-260) (P) (JTF-1)
ROUTINE
DIRECTOR FBI () () (192-1905)
ATTN: CID-PCU
JACKSONVILLE ()
BT
UNCLAS

UNSUB, AKA CAPTAIN MIDNIGHT; ET AL; HOBBS ACT-COMMERCIAL INSTITUTION; INTERFERENCE WITH GOVERNMENT COMMUNICATION SYSTEMS; OO: NEW YORK.

RENYAIRTEL TO ALL OFFICES, JUNE 17, 1986.

FOR INFORMATION OF THE BUREAU AND JACKSONVILLE, LATE ON TUESDAY, JULY 22, 1986, FCC, NEW YORK, ADVISED THE NYO THAT A [redacted] OF OCALA, [redacted] b6 b7C

1 - New York
1 - Supervisor JTF-1
[redacted]

[redacted]

192B-260-53

SEARCHED INDEXED
SERIALIZED FILED
JUL 25 1986
FBI NEW YO

Approved: [redacted] Transmitted 205/10 Per [redacted]

NOTE: AFTER APPROVAL, PLEASE ROUTE THIS DOCUMENT BACK TO THE WORD PROCESSING SUPERVISOR, NOT TO THE TELETYPE ROOM.

WP Initials: [redacted]

FLORIDA, WAS INDICTED ON FRIDAY, JULY 18, 1986, BY THE FEDERAL GRAND JURY AT JACKSONVILLE, FLORIDA, FOR VIOLATION OF TITLE 47, SECTION 301, A MISDEMEANOR. THE AUSA ASSIGNED IS [redacted]. b6 b7C

REVIEW OF NEWSPAPER ARTICLES OF JULY 23, 1986, STATED THAT [redacted] INTERCEPTED HBO WHILE HE WAS WORKING AS A SATELLITE UPLINK OPERATOR FOR CENTRAL FLORIDA TELEPORT. THE CASE WAS ASSIGNED TO UNITED STATES DISTRICT COURT JUDGE HOWARD T. SNYDER, CENTRAL DISTRICT OF FLORIDA, NORTHERN DIVISION. [redacted] SENTENCING HAS BEEN SCHEDULED FOR AUGUST 26, 1986. [redacted] IS REPRESENTED BY HIS PERSONAL ATTORNEY, [redacted]

NO ADDITIONAL INFORMATION REGARDING THIS MATTER HAS BEEN OBTAINED FROM FCC, NEW YORK.

JACKSONVILLE IS REQUESTED TO CONTACT AUSA [redacted] AND OBTAIN FACTS RELATING TO THE IDENTIFICATION AND PROSECUTION OF [redacted] WILL ALSO DETERMINE IF [redacted] IS COOPERATING WITH FEDERAL AUTHORITIES IN THIS MATTER AND IF [redacted] IS ACCESSIBLE FOR INTERVIEW BY SPECIAL AGENTS OF THE FBI, PURSUANT TO [redacted] PLEA BARGAIN AGREEMENT. b6 b7C

FBI

TRANSMIT VIA:
☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:
☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:
☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 7/16/86

TO: SAC, NEW YORK (192B-260)

FROM: SAC, NEW HAVEN (192B-87) (RUC)

UNSUB, aka
Captain Midnight;
INTERFERENCE WITH TELEVISION
SIGNAL RECEIVED FROM SATELLITE GALAXY
ONE, APRIL 27, 1986;
HOME BOX OFFICE (HBO), INC., aka
HBO-VICTIM;
HOBBS ACT-COMMERCIAL INSTITUTION;
INTERFERENCE WITH GOVERNMENT
COMMUNICATIONS SYSTEM;
OO:NY

RE NY routine tel to NH, 6/5/86.

Enclosed for NY are the original and one copy of an insert reflecting results of limited background investigation at NH and Hartford, CT. General and Confidential indices negative re [redacted] MV DEPT. info set forth. Credit info not available.

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[redacted]

192B-260-54

SEARCHED SERIALIZED INDEXED FILED

JUL 28 1986

FBI — NEW

2-New York (encls. 2)
1-New Haven
SES/pl
(3)

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

Insert to Sub A

FCC NEWS
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET, N.W.
WASHINGTON, D.C. 20554

News media information 202 254 7674
Recorded listing of releases and texts
202 / 632-0002

This is an unofficial announcement of Commission action. Release of the full Commission order constitutes official action. See MCI v. FCC, 515 F 2d 385 D.C. Circ 1974.

July 22, 1986

CAPTAIN MIDNIGHT UNMASKED

Richard M. Smith, Chief of the Field Operations Bureau of the Federal Communications Commission (FCC) and Robert Merkle, United States Attorney for the Middle District of Florida announced this afternoon that John R. MacDougall of Ocala, Florida has been charged with illegally operating a satellite uplink transmitter to intentionally cause interference to the satellite cable television programming of Home Box Office, Inc. (HBO).

On April 27, 1986, at approximately 12:32 AM EST, a video transmission overrode the HBO transmissions from Hauppauge, Long Island, New York to the Galaxy I satellite. The interfering signal consisted of a color bar pattern upon which was superimposed the following message:

GOODEVENING HBO

FROM CAPTAIN MIDNIGHT

$12.95/MONTH ?

NO WAY !

(SHOWTIME/MOVIE CHANNEL BEWARE!)

The interference prevented reception of the start of the HBO movie "The Falcon and the Snowman", which was intended for the cable television systems and other viewers in the eastern two-thirds of the United States. After approximately four and a half minutes, the interfering transmission ceased.

The Field Operations Bureau of the FCC, which has responsibility for investigating communications interference, started its investigation based upon information provided by HBO and Hughes Communications, the operators of the Galaxy I satellite. In addition, several videotape recordings of the interference were obtained. After careful analysis by the FCC, it was concluded that the interfering signal was transmitted from a professional satellite uplink facility having an antenna at least seven meters in diameter and that the message had been generated using a specific make and model of character generator. In addition, it was learned that almost precisely a week earlier, on April 20, 1986 from approximately 12:49 AM to 12:52 AM EST, a transmission consisting of a color bar pattern only also overrode HBO's programming.

The Commission surveyed 580 licensed satellite uplink facilities within the U. S. which met the antenna size requirements. Less than a dozen facilities were found which also had sufficient transmitter power capability and the

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AUG 1986
FBI—NEW YO
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correct character generator. FCC field investigators then visited and inspected each of these facilities.

The Central Florida Teleport at Ocala, Florida, was the only surveyed facility with the proper combination of equipment and availability for use at the time and date of the interference. Further, scheduled programming at this facility had ended just prior to both the April 20th and April 27th incidents. The operator on duty both nights was John R. MacDougall.

The Commission's investigation was further aided by information obtained from a confidential source. A person overhead a telephone conversation at a phone booth concerning Captain Midnight. They obtained a description of the individual making the phone call and the license number of the vehicle used to leave the area. The information was telephoned to the FCC Headquarters in Washington, DC. Although the individual overheard on the phone was not MacDougall, the information proved extremely beneficial in narrowing the investigation to the Ocala area.

The combination of the FCC's independent investigative efforts and further interviews and inquiries by both the FCC's Tampa, Florida office, headed by Engineer-in-Charge Ralph Barlow, and by Larry Gentile, Assistant U. S. Attorney in Jacksonville, Florida, revealed that the interfering transmissions were, in fact, made by MacDougall using the facilities of the Central Florida Teleport.

MacDougall, on an occasional "as needed" basis, worked as a contract satellite uplink operator for Central Florida Teleport. At the times of the interference to HBO, MacDougall was alone and in control of the uplink facility. MacDougall's actions constituted unlicensed operation in that he did not possess a license from the FCC nor have the authority or permission of Central Florida Teleport to operate the facility after the schedule programming was complete.

MacDougall is owner and president of MacDougall Electronics, a retail satellite television receive-only (TVRO) earth station dealership. His business provides sales, service, and consultation for private and commercial satellite antenna systems used for the reception of satellite programming.

MacDougall's illegal transmissions constituted a violation of Title 47, United States Code, Section 301 as made punishable by Title 47, U. S. Code, Section 501, in that he knowingly, wilfully and unlawfully transmitted the interfering signal without a license having been granted authorizing such operation. Maximum penalties include one year imprisonment and $100,000 in fines. Sentencing in this case will occur at a later date.

For further information, contact Bill Russell or Sally Lawrence at 202-254-7674.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA

v.

[redacted]
a/k/a Captain Midnight

Case No. _____
47 U.S.C. §301
47 U.S.C. §501
18 U.S.C. §2
(1 yr./$100,000/both)

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INFORMATION

The United States Attorney charges:

COUNT ONE

On or about April 27, 1986, at Ocala in the Middle District of Florida,

[redacted] Captain Midnight,

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the defendant herein, did knowingly, willfully and unlawfully use, operate and cause the use and operation of an apparatus for the transmission of energy, communications and signals by radio, to wit, a satellite uplink transmission facility owned by Central Florida Teleport, from within the State of Florida, the effects of which did extend beyond the borders of said State in that intentional interference was caused to the transmission of energy, communications and signals by radio of Home Box Office, Inc. at Hauppauge, Long Island, New York, without a license having been granted authorizing such use and operation under the

[redacted]

192B-260-56
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SERIALIZED ... FILED
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b7C
AUG 1986

provisions of Chapter V, Title 47, United States Code; all in violation of Title 47, United States Code, Sections 301 and 501 and Title 18, United States Code, Section 2.

Respectfully submitted,

ROBERT W. MERKLE
United States Attorney

By: [redacted] b6 b7C

Assistant United States Attorney

[redacted]

Assistant United States Attorney

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA

v. Case No.

[redacted] b6 b7C
a/k/a Captain Midnight

PERSONALIZATION OF ELEMENTS

1. Did you, at approximately 12:32 a.m., Eastern Standard time at the Central Florida Teleport at Ocala, Florida, use and operate a satellite uplink transmission facility to communicate the following video message to a satellite?

GOODEVENING HBO

FROM CAPTAIN MIDNIGHT

$12.95/MONTH ?

NO WAY !

(SHOWTIME/MOVIE CHANNEL BEWARE!)

2. Did the effects of said use and operation by you described in one above extend beyond the borders of the State of Florida?

3. Did the effects of the use and operation by you described in one above cause interference to an authorized signal.

4. Was said use and operation described in one above beyond any authority that you had under any license granted by the

Federal Communication Commission or beyond any authority or authorization you had from any employment relationship you had with Central Florida Teleport?

5. Did you do the above described acts knowingly and willfully?

(An act is done "knowingly" if done voluntarily and intentionally, and not because of mistake or accident or other innocent reason. An act is done "willfully" if done voluntarily and intentionally and with the specific intent to do something the law forbids, that is to say, with bad purpose either to disobey or to disregard the law.)

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

UNITED STATES OF AMERICA

v. Case No.

[redacted] b6 b7C
a/k/a Captain Midnight

FACTUAL BASIS

The government would prove the following if this case were to go to trial:

On or about April 20, 1986, at approximately 12:49 a.m. Eastern Standard Time and again on or about April 27, 1986, at approximately 12:32 a.m. Eastern Standard Time intentional and harmful interference was caused to the satellite cable television programming signal of Home Box Office, Inc. (HBO). The HBO signal transmitted via the "Galaxy One" satellite, transponder 23 was intentionally interrupted by an unauthorized signal transmitted from the Central Florida Teleport satellite uplink facility at Ocala, Florida. Central Florida Teleport is a Federal Communications Commission (FCC) licensed transmitting facility engaged in the business of transmitting cable television programming by satellite.

The transmission made on April 20, 1986, was a video transmission of a color bar pattern.

The transmission made on April 27, 1986, consisted of a Society of Motion Picture and Television Engineers (SMPTE) color bar pattern with specific lettering superimposed by the use of a character generator manufactured by the Quanta Corporation, Salt Lake City, Utah. The interfering signal on that date consisted of the following video message:

GOODEVENING HBO

FROM CAPTAIN MIDNIGHT

$12.95/MONTH ?

NO WAY !

(SHOWTIME/MOVIE CHANNEL BEWARE!)

The April 27, 1986,interference lasted approximately four and a half minutes and disrupted all reception of the HBO signal intended for the Eastern two-thirds of the United States.

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